

April 15, 2010

Meeting of the DELTA STEWARDSHIP COUNCIL
Thursday, April 22 and Friday, April 23, 2010
Secretary of State's Office Auditorium
1500 11th Street, Sacramento, California 95814

THE AGENDA ITEMS LISTED BELOW MAY BE CONSIDERED IN A DIFFERENT ORDER AND HEARD ON EITHER DAY OF THE COUNCIL MEETING PURSUANT TO THE DETERMINATION OF THE COUNCIL CHAIR. AGENDA ITEMS NOTED BELOW WHICH ARE NOT COMPLETED ON APRIL 22, WILL BE HEARD ON APRIL 23, BEGINNING AT 9:00 A.M.

At the discretion of the Delta Stewardship Council, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action.

DAY 1: Thursday, April 22, 2010, (10:00 a.m. – 4:00 p.m.)

1. Welcome and Introductions
2. Roll Call – Establish a Quorum (Water Code §85210.5)
3. Delta Briefing
[PowerPoint Presentation](#)
4. Delta Plan Consultant Contracts (**Action Item**) (Water Code §85210(b))
[PowerPoint Presentation](#)
[Attachment 1: RFQ Interview Schedule and Format](#)
5. Chair's Report
 - a. Request for Federal Participation (Water Code §85082)
 - b. State Water Resources Control Board Consultation about Watermaster (Water Code §85230)
[Attachment 1: April 21, 2010 Letter to Charles Hoppin from Phillip Isenberg Regarding Appointment of Delta Watermaster \(*Bucket*\)](#)
 - c. State Agency Coordination (Water Code §85204)
[Attachment 1: April 21, 2010 Letter to Mark Cowin from Phillip Isenberg Regarding Environmental Review of the BDCP \(*Bucket*\)](#)
6. Interim Executive Officer's Report
 - a. Budget Detail
 - b. List of Contracts since February 3, 2010
 - c. Legislative and Legal Update
[Attachment 1: AB 2092 \(Huffman\)](#)
 - d. Bagley-Keene and Ex Parte Discussion (Government Code §1120 et seq.)
7. Administrative Items
 - a. Adoption of Proposed Meeting Procedures and Possible Election of Other Officers (Vice Chair) (**Action Items**) (Water Code §85210(i) and Water Code §85201(a))
[Attachment 1: Proposed Procedures for the Delta Stewardship Council Meetings](#)
 - b. Adoption of Meeting Calendar (**Action Item**) (Water Code §85200(f))
8. Conflict of Interest Code Rulemaking (**Action Item**) (Government Code §87300 et seq.)
[Attachment 1: Draft Conflict of Interest Code and Regulatory Package](#)
9. Public Comment

DAY 2: Friday, April 23, 2010 (9:00 a.m. – 4:00 p.m.)

10. Call to Order
11. Roll Call – Establish Quorum (Water Code §85210.5)
12. Interim Lead Scientist's Report
 - a. Update on Recommendation Process for Appointment of the Delta Independent Science Board (Water Code §85080 and Water Code §85280(a))
13. Proposal Solicitation Process for Science Grants **(Action Item)** (Water Code §85210(g) and Water Code §85280(b)(4))
[Attachment 1: Delta Science Program 2010 Focused PSP Document](#)
14. Review of Proposal Solicitation Processes for Ecosystem Restoration Grants **(Information Item)**
 - a. Department of Water Resources
[PowerPoint Presentation – Delta Levees Program](#)
 - b. Department of Fish and Game
[PowerPoint Presentation - Ecosystem Restoration Program Focused Proposal Solicitation Package](#)
15. Draft Outline of Interim Plan **(Information Item)** (Water Code §85084)
16. Public Comment
17. Preparation for Next Council Meeting – Discuss (a) expected agenda items; (b) new work assignments for staff; (c) requests of other agencies; (d) other requests from Council members; and (e) confirm next meeting date.

Adjourn

Other Materials Included in Binder:

- Correspondence

Other Materials Included in Bucket:

- 2008 State of Bay-Delta Science
http://www.science.calwater.ca.gov/pdf/publications/sbds/sbds_final_update_122408.pdf



DELTA STEWARDSHIP COUNCIL

650 CAPITOL MALL, FIFTH FLOOR
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

Date: April 15, 2010

Chair
Phil Isenberg

To: Delta Stewardship Council Members

Members
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli
Richard Roos-Collins

From: Joe Grindstaff, Acting Executive Officer

Interim Executive Officer
P. Joseph Grindstaff

Subject: Meeting, April 22-23, 2010

The agenda for our second meeting, and supporting material, is attached. Some additional handouts may be provided at the meeting.

Given the very tight deadlines the Council and its staff are facing to write the Delta Plan, a key action item will be the selection of a Delta Plan consultant team, which is the first action item on this agenda. I offer some brief comments on the agenda and materials here for your perusal. The first day's meeting deals with the status of water supply and demand in California today, and the Delta Plan consultant contract and administrative items. The Administrative Items include consideration of Council rules, including the possible creation/election of a Vice Chair. The second day's meeting deals with the appointment process for the Independent Science Board, various grant making processes, and the outline for an interim Delta Plan

Delta Plan Consultant Contract (Agenda item 4)

At your first meeting you approved moving forward with the Request for Proposal process to hire a consultant to help the council develop the Delta Plan and required environmental documents. This process was started by the Administration prior to formal creation of the Council, or the appointment of any members, but all decisions are subject to your approval.

Interviews with interested consulting firms took place on April 7 and 8. The Chair and I attended as observers. Although invited, no other council members could attend. One key finding from examination of the written submissions, and the interviews, was that every team had in one way or another, an existing or previous relationship with aspects of the Bay Delta Conservation Plan process (BDCP).

As a result, the DSC staff is recommending that for BDCP-related activities mandated by statute, you retain independent consultants who have no prior or current involvement with BDCP. These consultants will be retained by the approved Delta Plan consulting team, but will be selected by you alone and will directly work for you. Payment for this independent consultant will come from within the total consulting budget for the Delta Plan and related environmental review.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– State Water Code §85054

To be precise, the statute creating the Council directed you to be a “responsible agency” under CEQA (Government Code Sec., 85320 (c), SB 7X 1), and also designated the Council as an appellate body if any person contests the Department of Fish & Game certification of BDCP recommendations (Government Code Sec. 85320 (b), SB 7X 1). It is these activities that we believe justify independent consulting advice and assistance.

Each bidder was advised of this staff suggestion and agreed that if they received the bid would comply with it. If you approve this approach, it allows us to gain a fresh and independent review of our duties relative to BDCP. This approach meshes well with the legislative mandate that the Delta Independent Science Board (which you appoint), must also review the BDCP.

One additional point should be made. The staff also believes strongly that the Council must focus and direct our staff activities, and the work of all consultants retained to assist the effort. For that reason, we advise that a substantial portion of the eventual contract be held in reserve, pending your direction over the next 20 months.

A detailed memo on selection of a consulting team is part of your binder (Agenda Item 4). It provides details on the process itself, and a summary staff analysis of the various bids.

The decision of a consulting team for the Delta Plan and EIR, however, is totally that of the Council. You make the decision and you set the terms.

If you agree with the staff conclusions, or if you wish to make amendments to the proposal, the following actions would be suggested:

- Approve the staff recommendations (as presented or as amended)
- Direct DSC staff to execute the contract and task order consistent with your terms and conditions
- Direct DSC staff to commence the process to hire independent contractors to support our efforts to review BDCP, and return to you promptly with their review and recommendations, and
- Direct DSC staff to notify DWR that the contract authority is now transferred to direct Council control.

Administrative Information (Agenda items 5-8)

These items continue the initial work you began on April 1, 2010, in setting up the organization of the Council. The Chair will report about the three items you voted to pursue at your last meeting: (1) requesting federal participation in your process, (2) consulting with the SWRCB regarding a Delta watermaster, and (3) establishing a Delta Plan agency coordination group. As to the other administrative items, I encourage you to adopt the proposed meeting procedures (Agenda item 7a) and meeting calendar (Agenda item 7b). I encourage you to also adopt the conflict of interest code rulemaking (Agenda item 8) to fulfill your Council's legal obligation to do so.

My report will focus on budget and contract information, a legislative and legal update, and discussion regarding the open meeting law, Bagley-Keene.

Delta Independent Science Board and Science Grant Process (Agenda item 12-13).

Dr. Cliff Dahm, the Interim Lead Scientist, will discuss the program in appointing the Delta Independent Science Board (Agenda item 12). The Delta Science Program is prepared to solicit proposals to invest grant funding in four high priority research areas: (1) native fish biology and ecology; (2) food webs of key Delta species and their relationship to water quality and other drivers; (3) coupled hydrologic and ecosystem models; and (4) water and ecosystem management decision support system development. I encourage you to adopt the recommendations regarding the Delta Science Program's Proposal Solicitation Process for Science Grants.

Review of Proposal Solicitation Processes for Ecosystem Restoration Grants (Agenda item 14).

This brief informational item presents information about other grant processes that the Department of Water Resources and the Department of Fish and Game are undertaking. The item includes some information about how some Delta Vision near-term actions are consistent with the topic areas of those grant processes. These processes are likely to direct more money to ecosystem restoration in the delta than any other effort over the next two years.

Outline of Interim Plan (Agenda item 15).

One of the early actions required of the Council is to develop and implement an Interim Plan that includes recommendations for early actions, projects, and programs proposed by federal, state, and local public agencies as well as non-governmental organizations (NGO). The draft Interim Plan outline is based on the statutory requirements for the Delta Plan as they apply during the period before the Delta Plan is adopted.

If I can answer any questions or provide any information, please contact me at (916) 445-4500 or jgrindstaff@deltacouncil.ca.gov

Agenda Item 3 - Delta Briefing

Keith Coolidge,

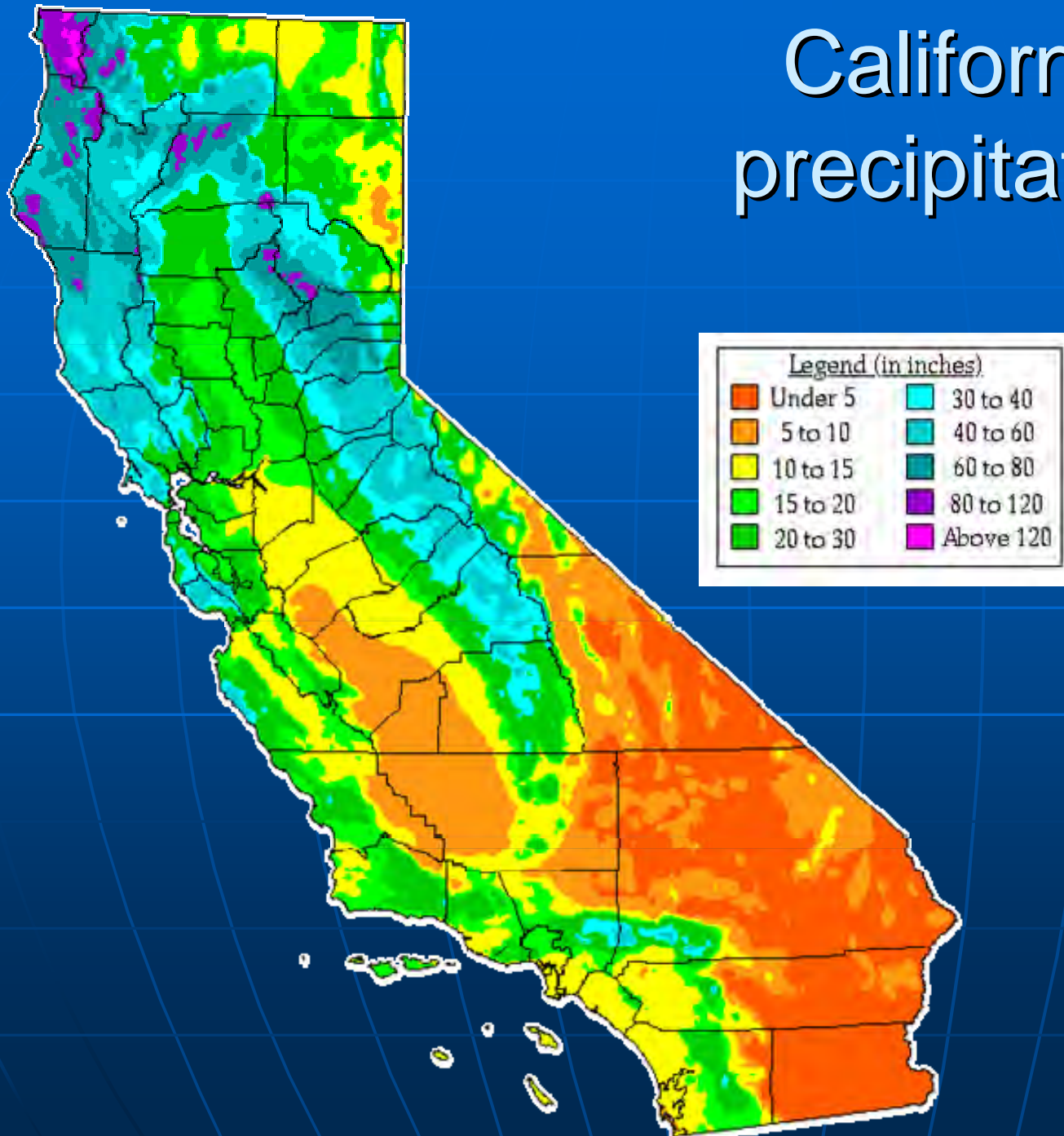
Interim Chief Deputy Executive Officer

Today's discussion

- Supply & demand
- Water rights
- How we move water & where it goes
- The Delta as an ever-changing hub
- Science & the Delta
- Actions have consequences
- A comprehensive package

California's water supply & demand

California precipitation



Tree-ring studies

- Longest dry periods
 - 220 years (892-1112)
 - 141 years (1209-1350)
- Longest wet period
 - 97 years (1113-1208)



More dry spells than wet ones



- Dry
 - 1600-1625
 - 1720-1730
 - 1760-1820 (!)
 - 1865-1885
 - 1928-1934
 - 1987-1992
- Wet
 - 1935-1944

Precipitation variability

Prolonged dry spells of the past can – and will – happen in the future

Shasta Reservoir
Sacramento River

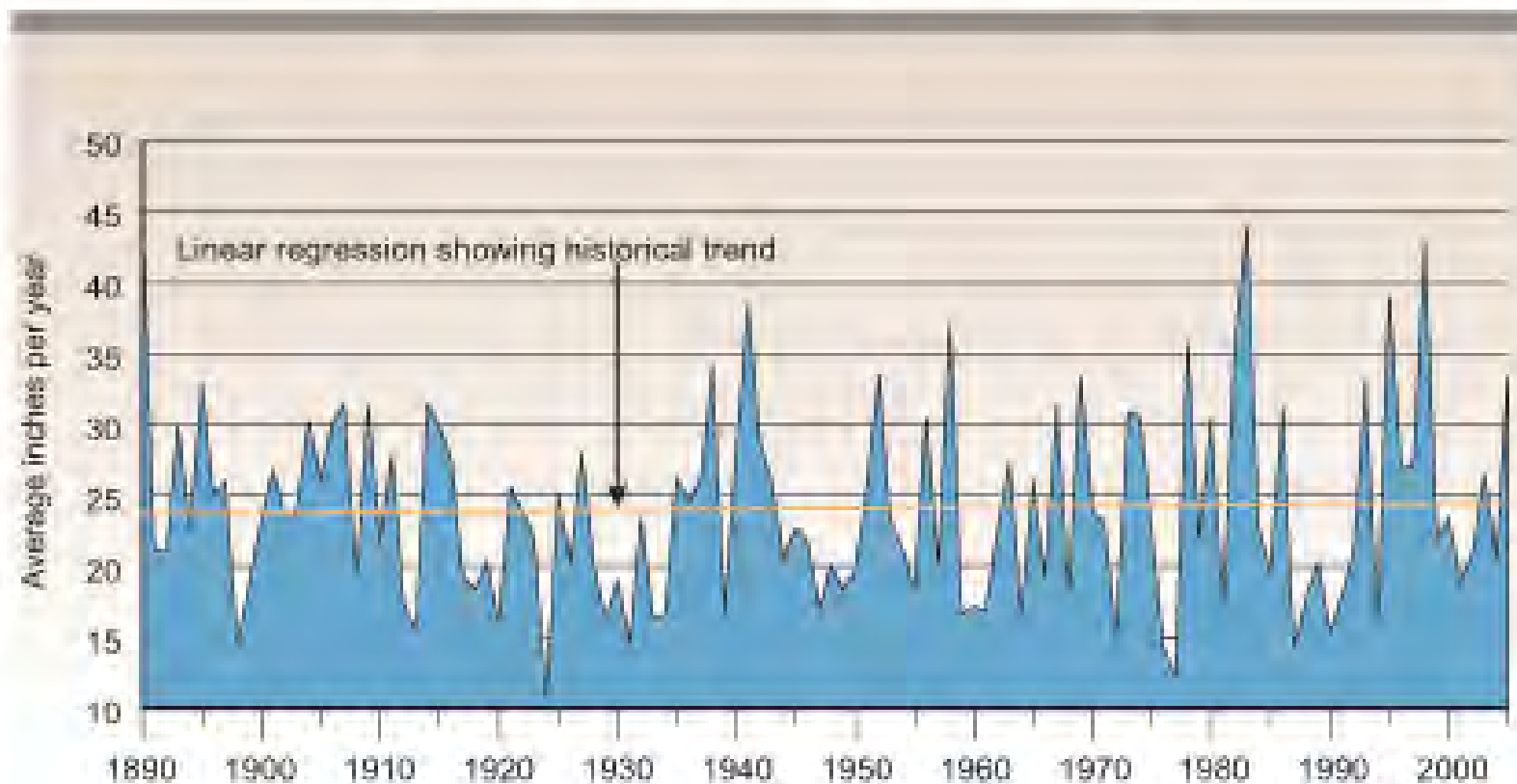


1995



2008

Figure 5. California Precipitation History



116 year average: 23.88 inches

Driest 30 years (1908-1937): 21.28 inches

Wettest 30 years (1977-2006): 24.88 inches

Yearly precipitation calculated from average of 95 stations spread across California. Data collected by Jim Goodridge, State climatologist formerly with DWR.

Source: California Department of Water Resources

Table 1-1 California Water Summary (maf)

	1998 (171% of normal)^a	2000 (97% of normal)^a	2001 (72% of normal)^a
Total supply (precipitation & imports)	336.9	194.7	145.5
Total uses, outflows, & evaporation	331.5	200.4	159.9
Net storage changes in state	5.5	-5.7	-14.3
Distribution of dedicated supply (includes reuse) to various applied water uses			
Urban uses	7.8 (8%)	8.9 (11%)	8.6 (13%)
Agricultural uses	27.3 (29%)	34.2 (41%)	33.7 (52%)
Environmental water ^b	59.4 (63%)	39.4 (48%)	22.5 (35%)
Total dedicated supply	94.5	82.5	64.8

maf = million acre-feet

a. Percent of normal precipitation. Water year 1998 represents a wet year; 2000, average water year; 2001, drier water year.

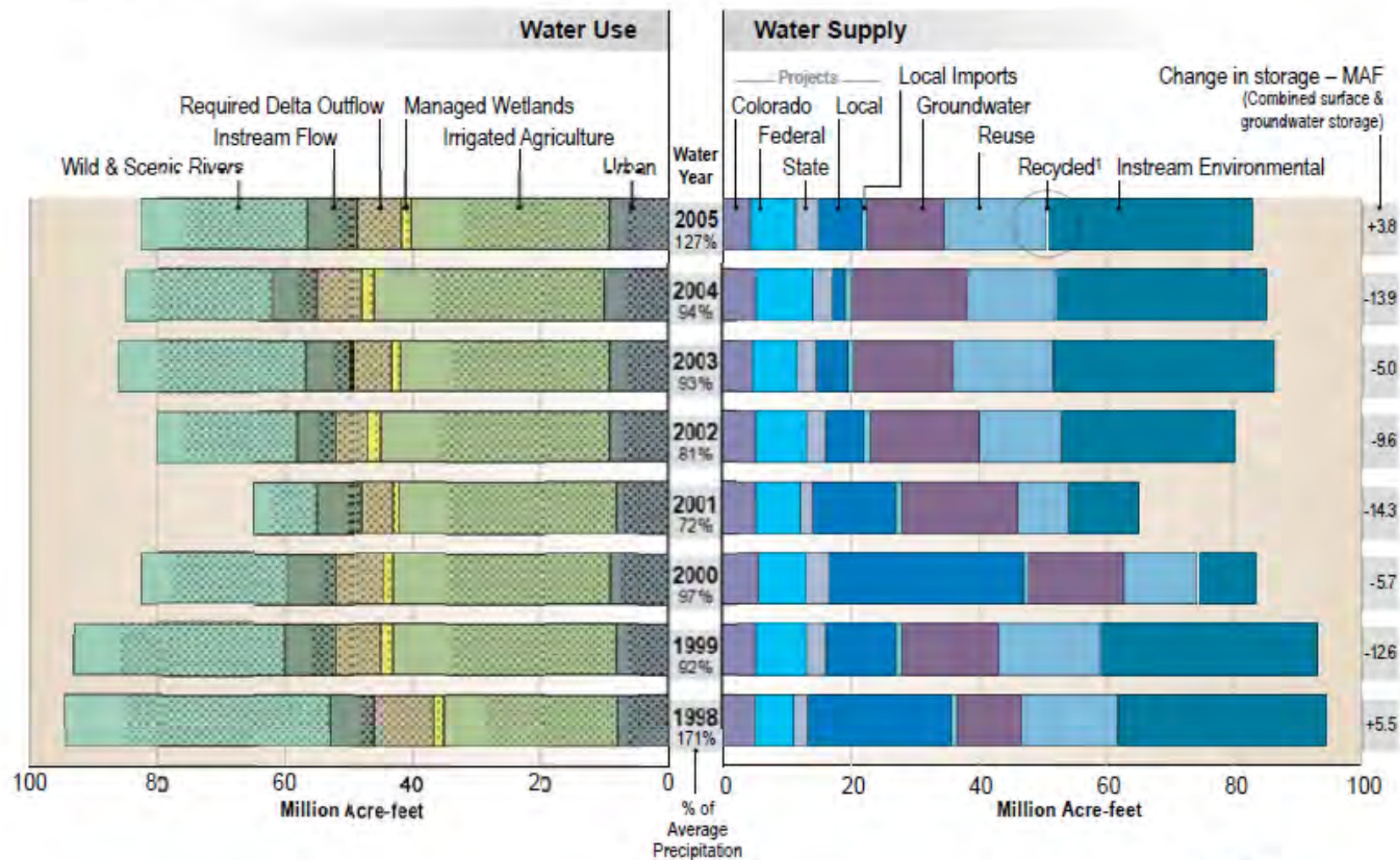
b. Environmental water includes instream flows, wild and scenic flows, required Delta outflow, and managed wetlands water use. Some environmental water is reused by agricultural and urban water users.



Key components of the illustrated flow diagram are shown as characteristic elements of the hydrologic cycle. This volume has flow diagrams for statewide water summary in this chapter and for regional water summaries in their respective chapters.

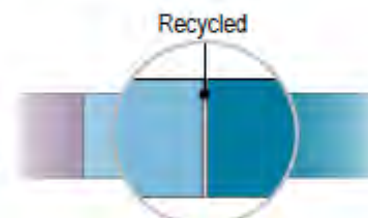
California Water Balance by Year

A lot of information is presented in this figure including statewide water use, source of supply, annual change in storage, and percentage of average precipitation.

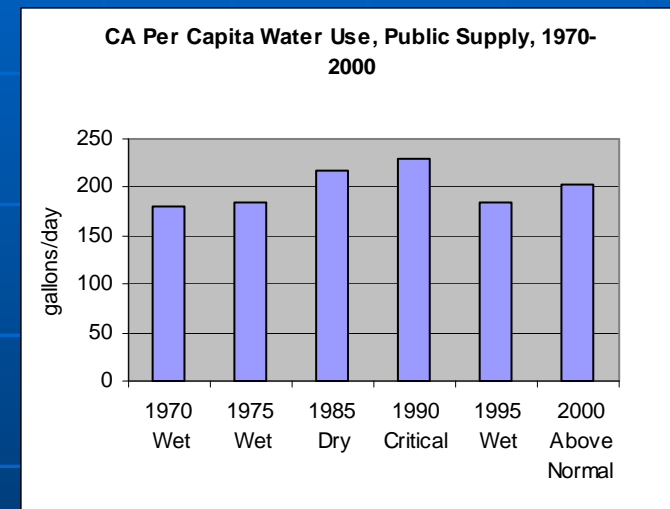
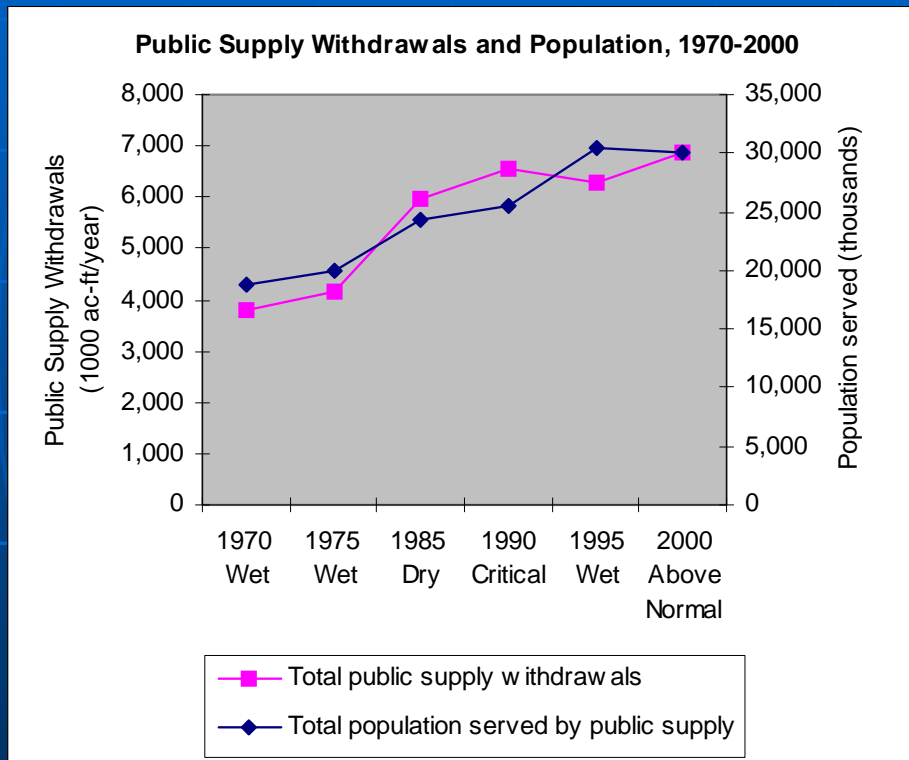


Stippling in bars indicates depleted (irrecoverable) water use (water consumed through evapotranspiration, flowing to salt sinks like saline aquifers, or otherwise not available as a source of supply)

¹ Detail of bar graph: For water years 1998-2005, recycled municipal water varied from 0.2 to 0.5 MAF of the water supply.



USGS: Water demand in California cities and towns continues to increase with population.

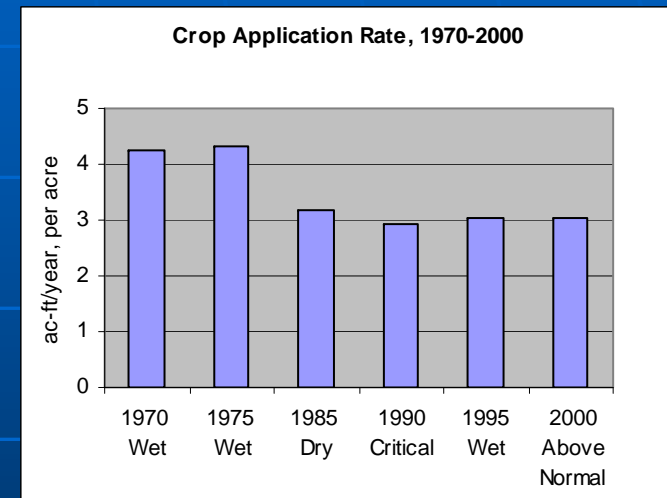
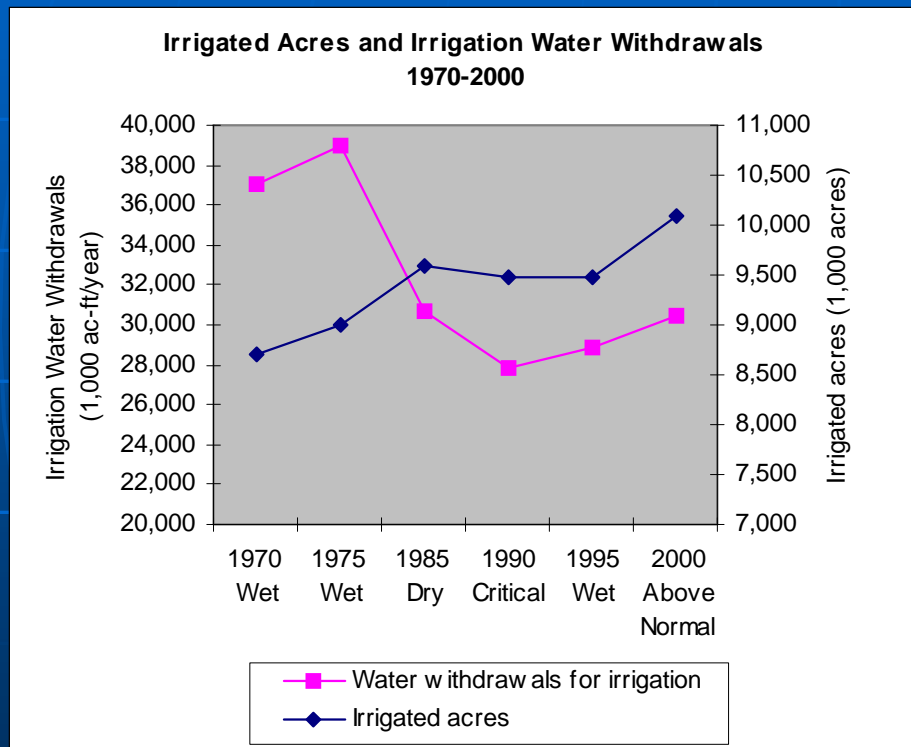


Urban water demands are increasing.

Per capita water use trend is inconclusive, but shows more water is used per person during dry years.

Source: USGS Circular Series, "Estimated Water Use in the United States." 1972-2004.

USGS: Agricultural water use decreased in the '70s-'80s, but has since trended higher.



Ag efficiency gains seen statewide in the 1980's, but has since leveled off.

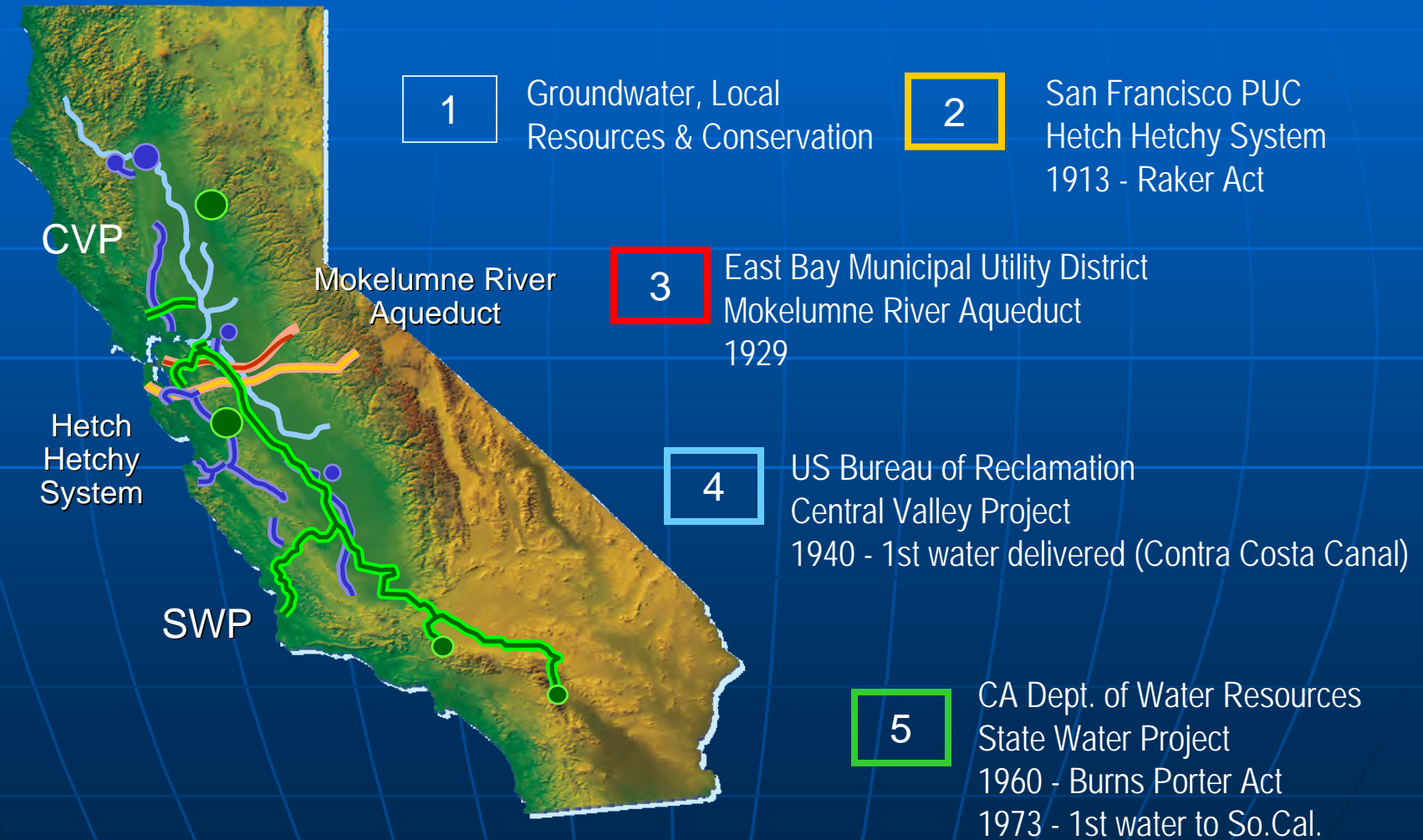
Source: USGS Circular Series, "Estimated Water Use in the United States." 1972-2004.

California Water Rights

- Pueblo rights
 - Riparian water rights
 - Appropriative rights (pre- and post- 1914 act created)
 - 1928 – Reasonable & beneficial use
 - 1929 state appropriated unallocated rights to itself)
 - Area of origin
-
- Groundwater treated differently

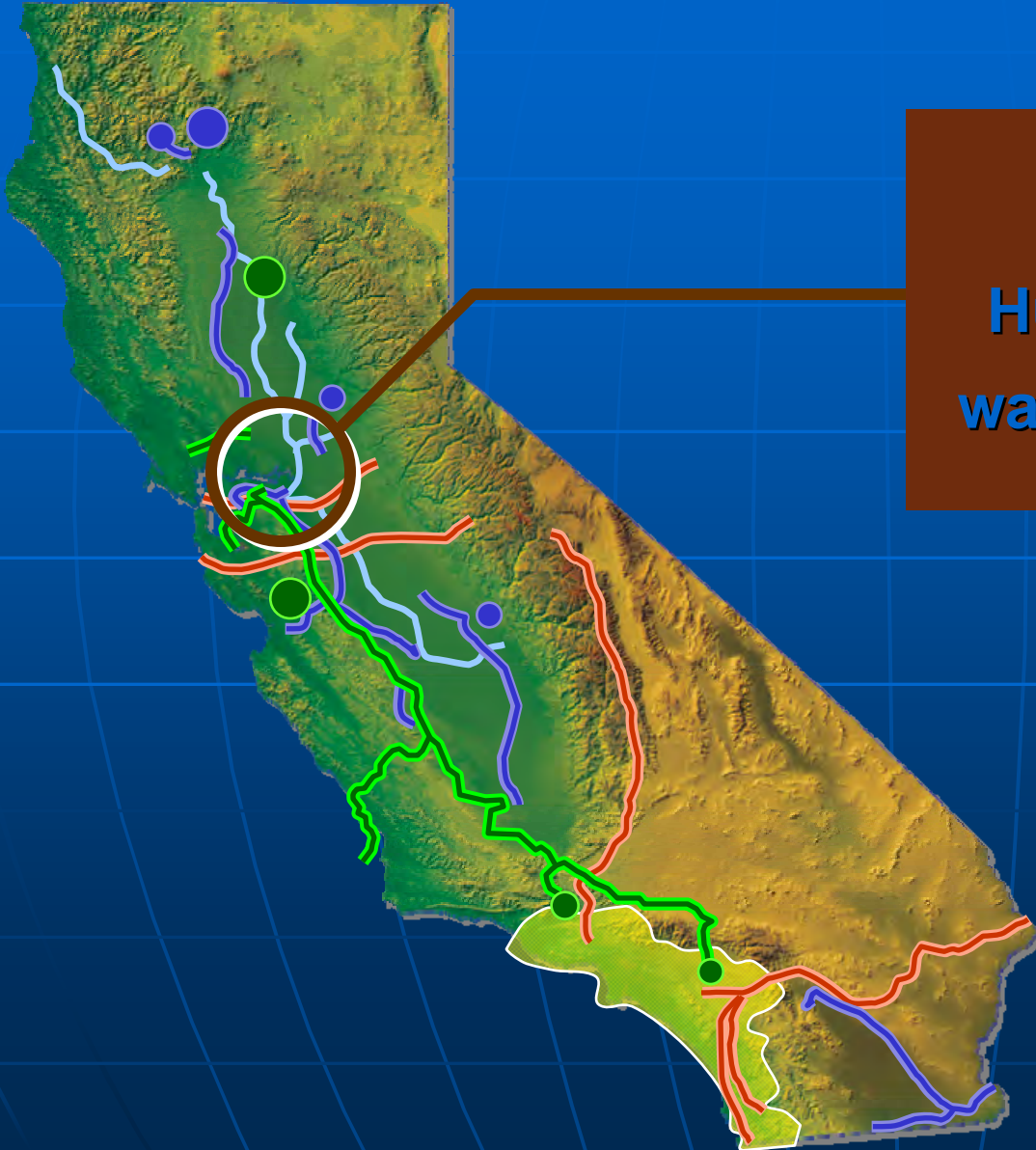


California Water Development








California Water Development

THE DELTA
Hub of California's
water supply system



Statewide Upstream and Export Diversion from the Delta Watershed (Water Year 2000)

-  Boundary of Delta Watershed (equal to Sacramento and San Joaquin Hydrologic Regions as defined by DWR)
-  Annual Magnitude of Regional Diversion from within the Delta Watershed (1,000 af) (dashed arrow represents return flows after diversion)
-  Annual Magnitude of Water Directly Diverted from the Delta (1,000 af)
-  Annual Magnitude of Water Diverted from a Delta Tributary (1,000 af)
-  Annual Magnitude of Significant Transfers and Imports Outside the Delta Watershed



Regional Diversion or Export Group Description

- 1 Sacramento River Diversions (from Keswick to Knights Landing)
- 2 Feather, Yuba and Bear Rivers
- 3 Northern Delta (Yolo, Sacramento, and Placer Counties)
- 4 North Bay Aqueduct and Putah South Canal
- 5 Eastern Delta (Mokelumne and Calaveras)
- 6 San Joaquin River, Eastside of San Joaquin Valley Rivers and Madera Canal
- 7 SFPUD Hetch Hetchy Aqueduct and EBMUD
- 8 Friant-Kern Canal (CVP)
- 9 Contra Costa Canal
- 10 SWP and CVP Export Facilities
- 10a South Bay Aqueduct Contractors
- 10b San Felipe Unit Contractors
- 10c San Joaquin River Contractors
- 10d Central Coast Contractors
- 10e Tulare Basin Contractors
- 10f South Lahontan and South Coast Contractors
- 11 Los Angeles Aqueduct
- 12 Colorado River Aqueducts and All American Canal
- 13 Colorado River Aqueduct

California's Delta: ever changing

Era of 'Reclamation' & Flood Control 1850-1972

- Passage of Swamp and Overflow Act
- Hydraulic mining
- Control floods so floodplains can be used for agriculture and communities
- Provide electrical power from hydroelectric dams
- Increased populations require San Francisco and Los Angeles to produce reservoir and water supply systems





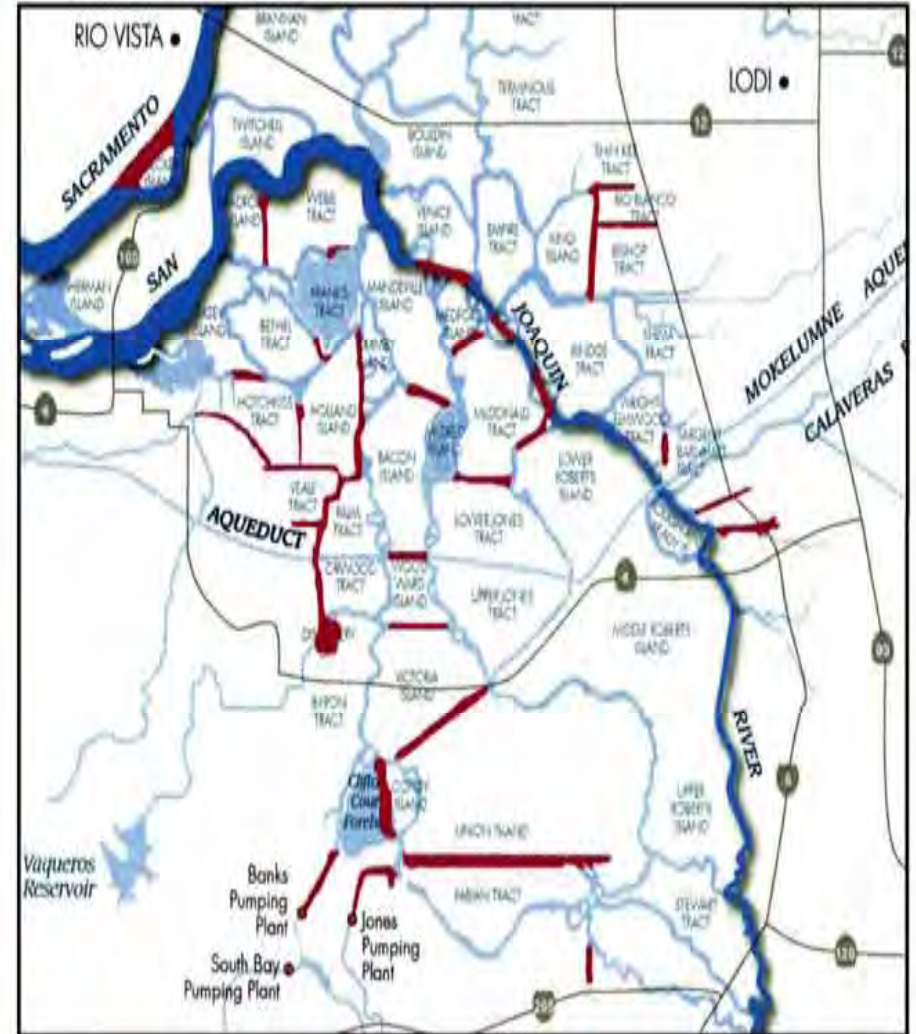
THE MINERS OF CALIFORNIA

THE MINERS OF CALIFORNIA

THE MINERS OF CALIFORNIA

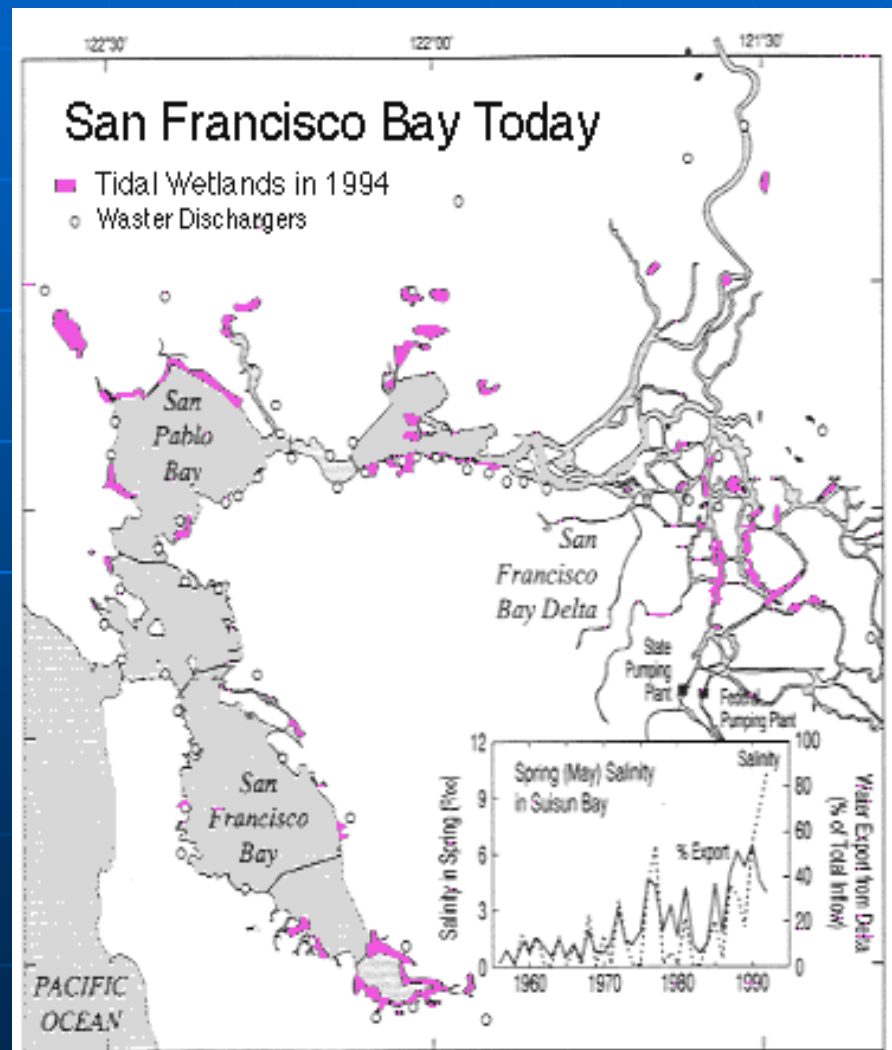
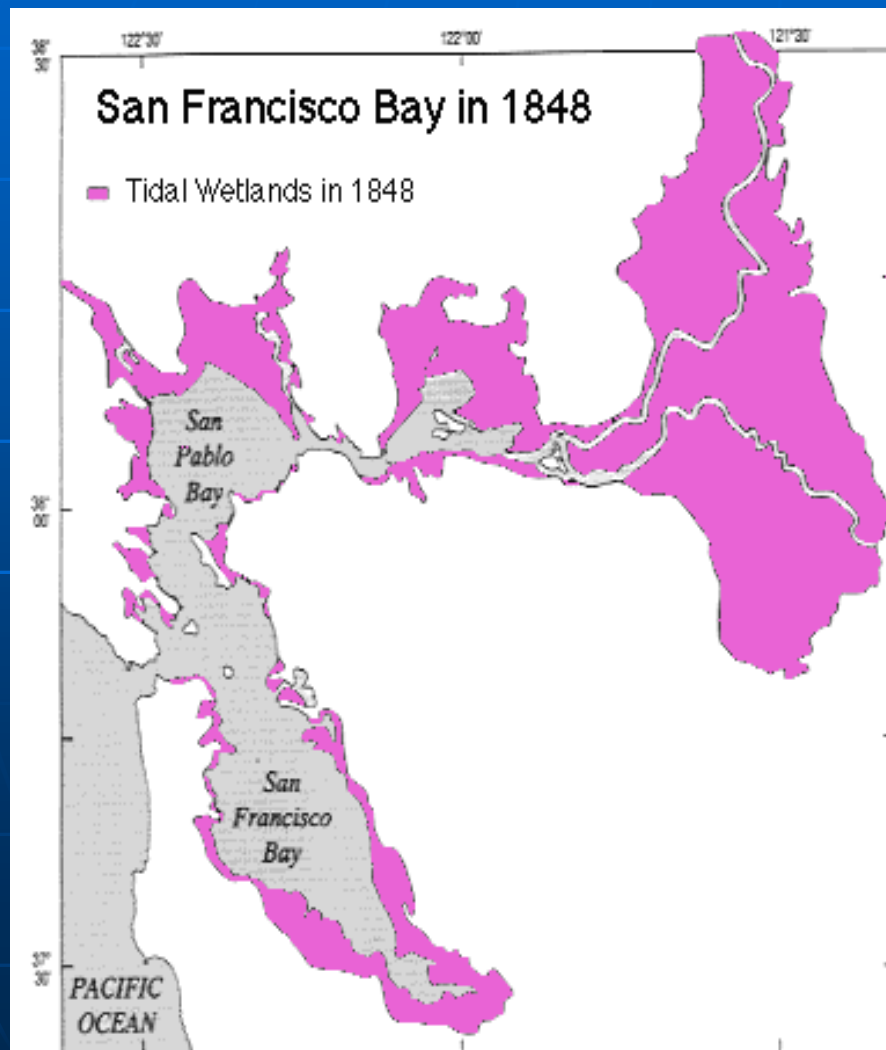
GOLD MINING IN CALIFORNIA.

Historical and Current Delta



San Francisco Bay and Delta Tidal Marshes – Historical and Current Conditions

(reprinted from http://sfbay.wr.usgs.gov/general_factsheets/change.html)



Transition to 20th Century Delta



- Reclamation of 700,000 acres of tidal freshwater marsh
- 1,300 miles of levees (includes Suisun) separate land from water (most of the time)
- Transition from dynamic, self-adjusting to static, homogeneous Delta



Bouldin Island – earliest documented use of a clamshell dredge (1879)



Work being done to close a Levee break on Holland tract. A rock dredger, front, and sand dredger collect materials for Holland Tract Levee on Feb. 24, 1980

Resource Management, Ecosystem Science, and Decision-Making

Dr. Cliff Dahm
*Interim Lead Scientist
Delta Stewardship Council*

Ecosystem - An ecological community, together with its environment, functioning as a unit.

Five Lessons from History:

- Include human motivation and responses
- Act before scientific consensus is achieved
- Rely on scientists to recognize problems, work with scientists to remedy problems
- Distrust claims of sustainability
- Confront uncertainty

Uncertainty, Resource Exploitation, and Conservation: Lessons from History. Ludwig et al. (1993) Science 260:17-18.

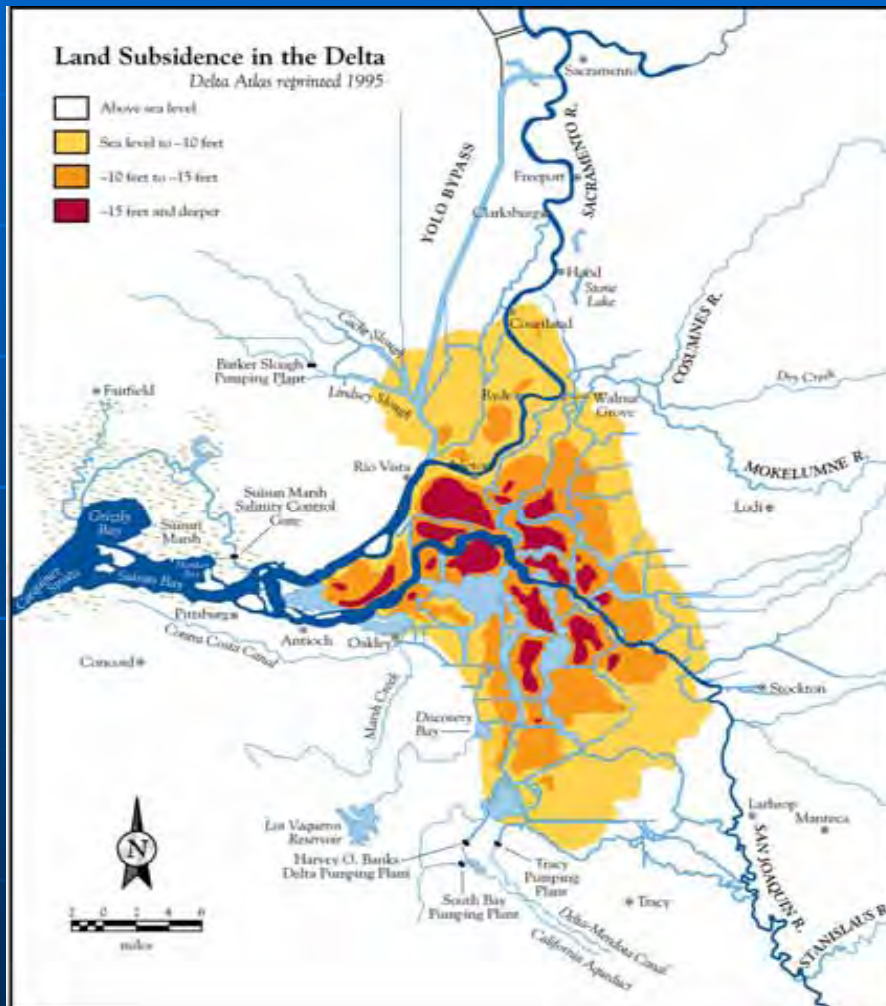
A Changing Delta Ecosystem Past, Present, and Future

- Six 'drivers of change' impact Delta conditions:
 - Subsidence
 - Sea Level Rise
 - Climate Change
 - Seismicity
 - Invasive Species
 - Population Growth

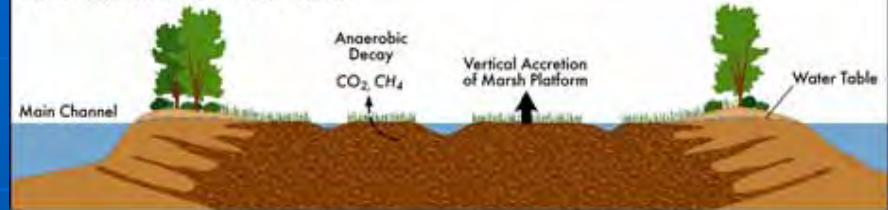


Mount, Twiss, and Adams 2006. The Role of Science in the Delta Visioning Process:
A report of the Delta Science Panel of the CALFED Science Program

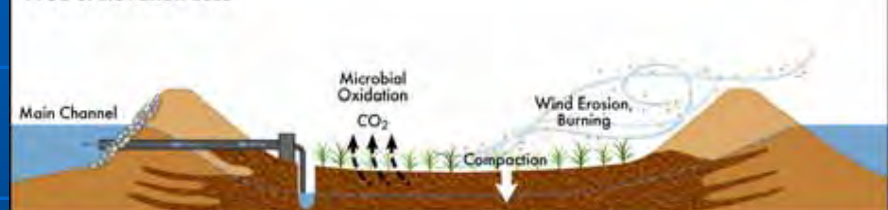
Subsidence: Past and Future



Pre-1880: Freshwater Tidal Marsh



1900's: Elevation Loss



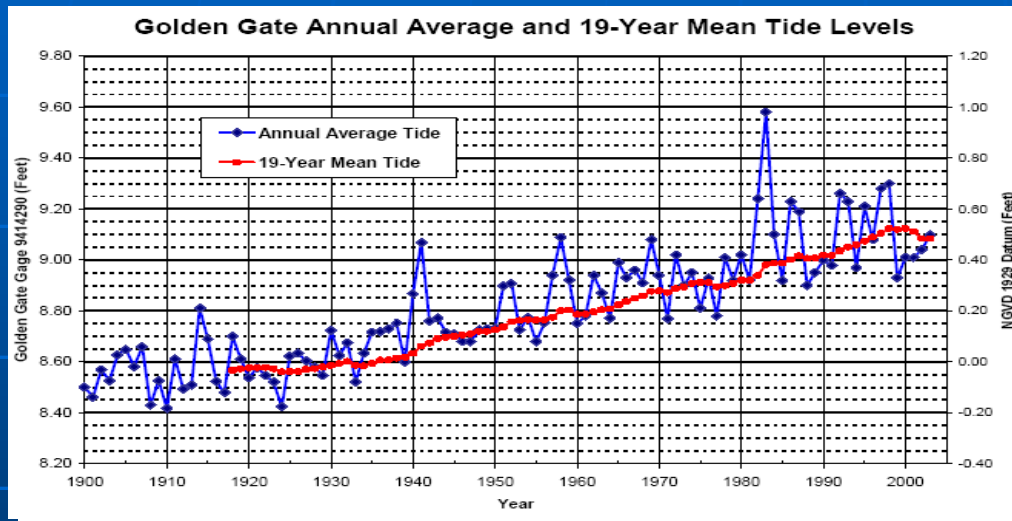
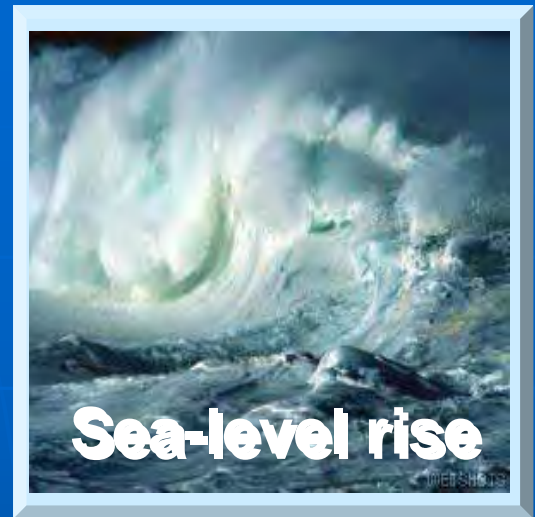
2000's: Increased Levee Maintenance



or Levee Failure

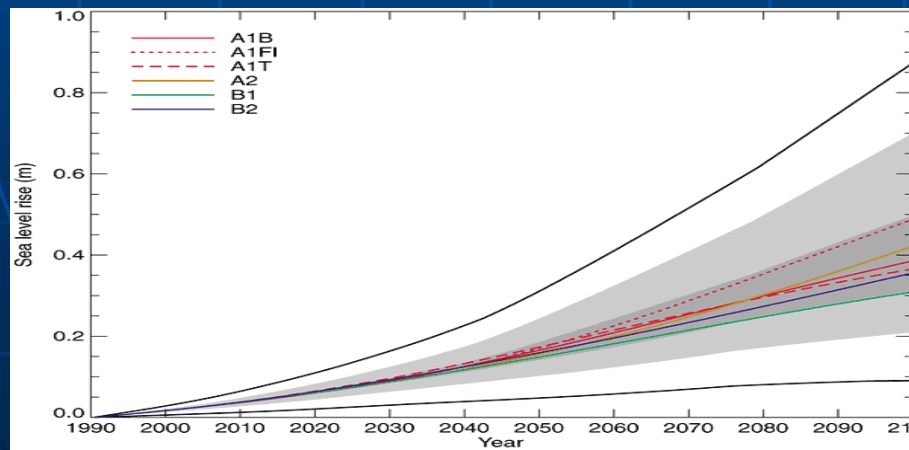


Sea Level Rise and Future Sea Level Estimates



Past (1900 – 2000)

~ 20 cm sea level rise



Future (2000 – 2100)

~ 55 - 145 cm sea
level rise (Independent
Science Board review)

Predictions for Future Climate Conditions in California

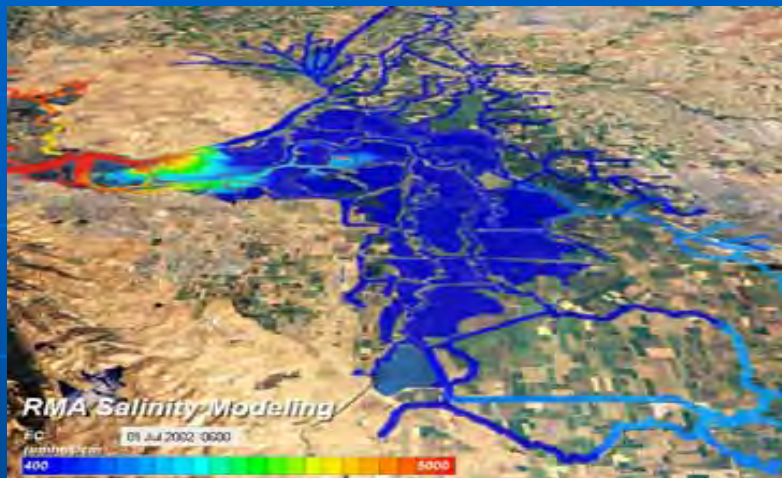


By 2100 – Range of Increase
+ 1.4 – 5.8 °C degrees

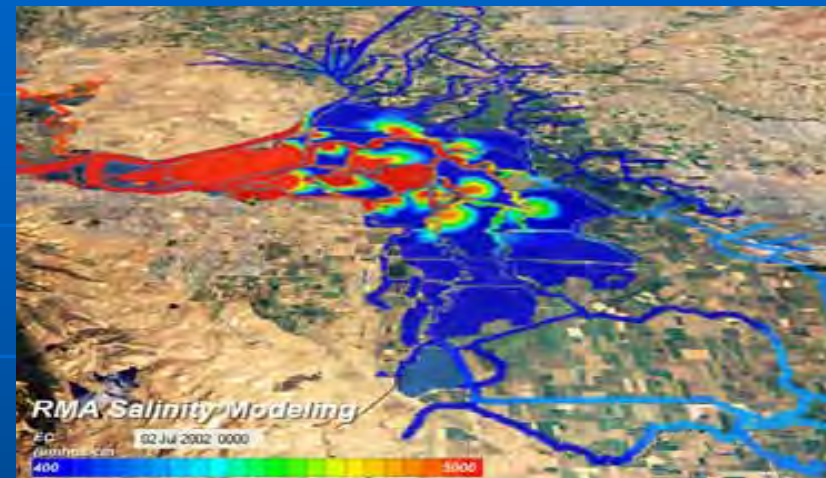
By 2050 with moderate warming
~1/3 loss of snowpack – flashier
and higher winter flows and
longer low flow periods



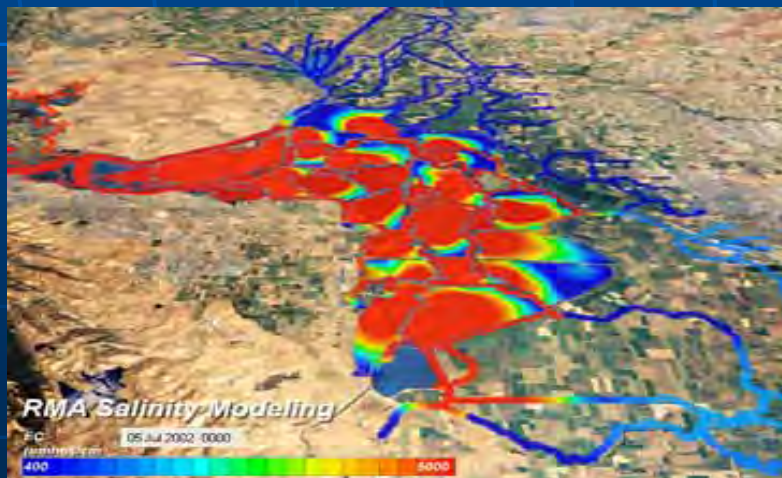
6.5 Magnitude Earthquake causing 20-Island Failure



0 – 6 hours: Islands flood with fresh water



12 – 24 hours: Salt water intruding into Delta



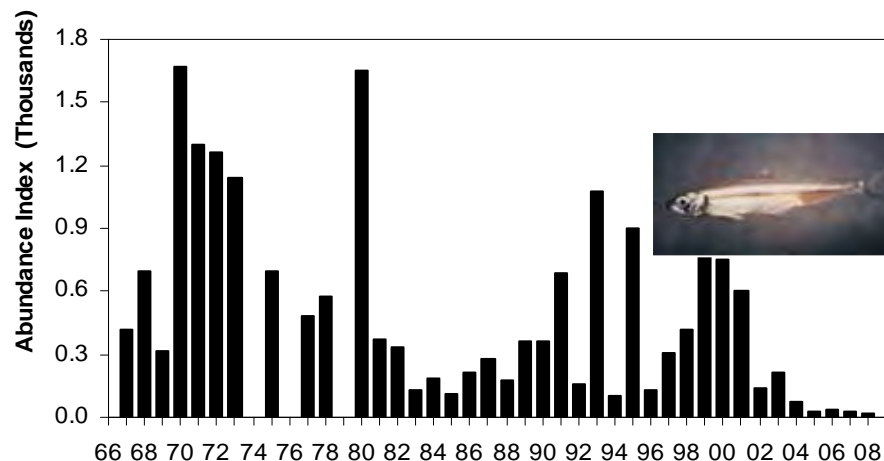
1 – 7 days: Salt water throughout Delta



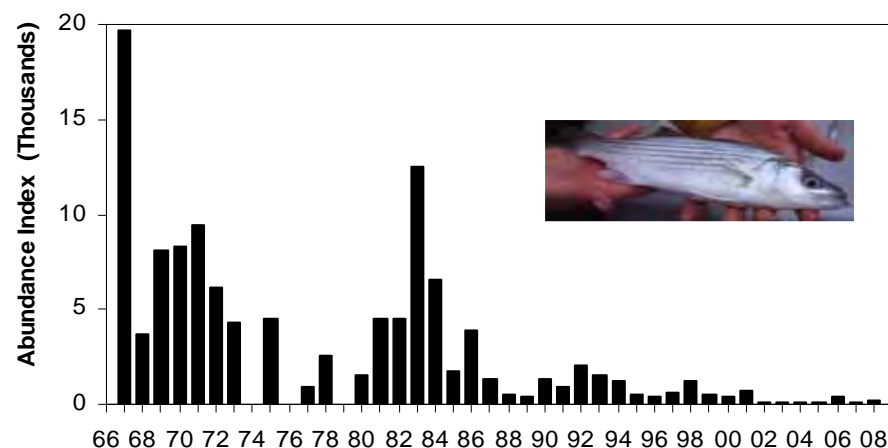
30 days: A saline estuary

A Changing Ecosystem - Fall Abundances of Some Open Water Delta Fishes

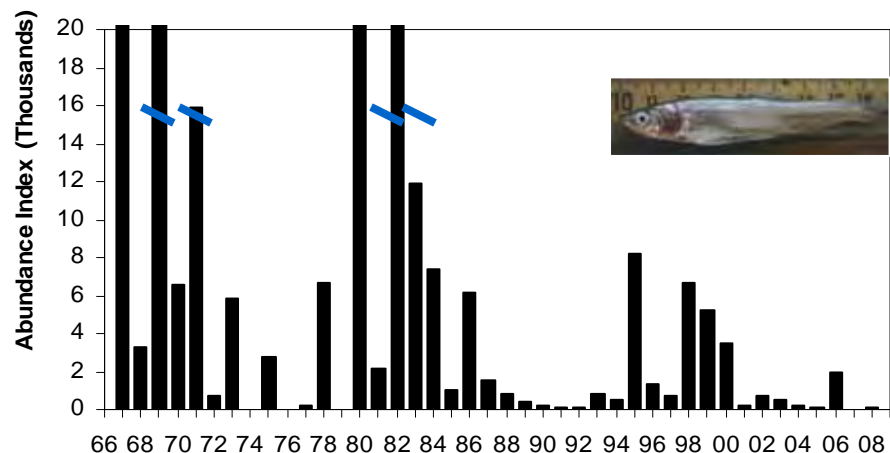
Delta Smelt



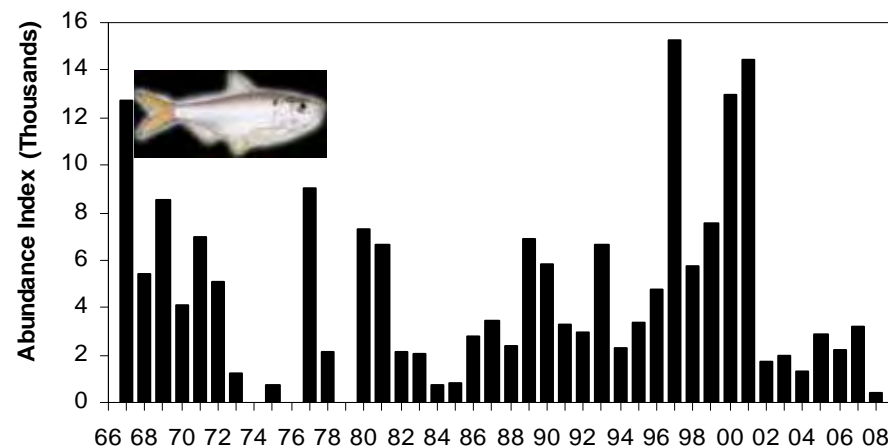
Striped Bass



Longfin Smelt



Threadfin Shad



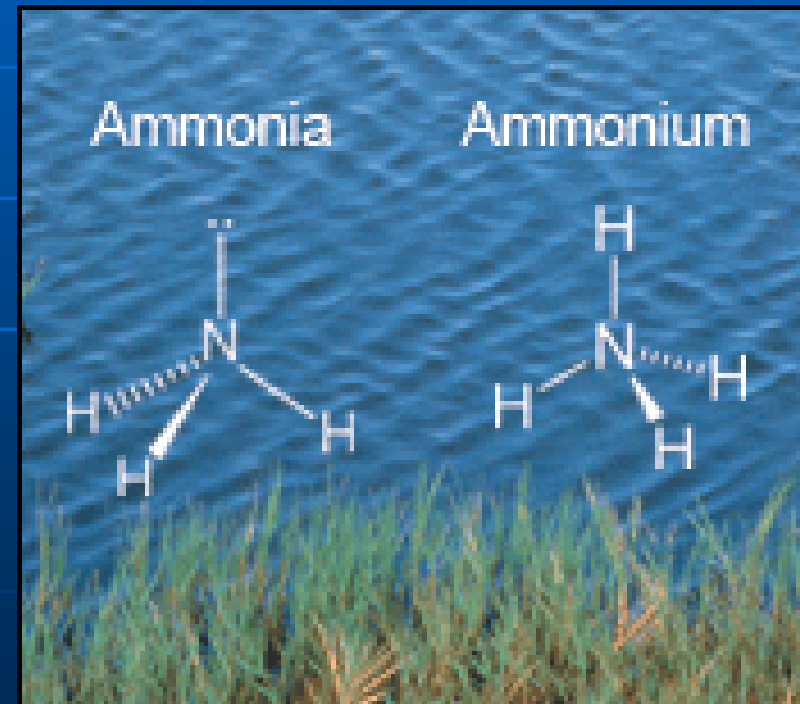
What are the causes?

Multiple Potential Stressors

- Water Movement
 - Export pump effects
 - Modified hydrodynamics
 - Salinity distributions
 - **Freshwater inflows and outflows**
- Food Availability
 - Food web changes
 - Non-native species impacts on the food supply
- Toxicants/Nutrients
 - Harmful algal blooms
 - Pesticides
 - Metals and bioaccumulation
 - **Nutrient loading**
- Habitat Changes
 - Wetland reductions
 - Channelized rivers and floodplain isolation

One Example – Stressor Evaluation Ammonia and Ammonium Effects

- **Ammonia/Ammonium Delta Science Program Workshop (March 2009): Focus on**
 - Transport and fate
 - Effects on food webs
 - Toxicity
 - Research framework
- **Effects of ammonium on phytoplankton community structure and growth rates**



Second Example - Setting Flow Requirements for the Delta

1. Environmental flows are more than just volumes of inflows and outflows
2. Recent flow regimes both harm native species and encourage non-native species
3. Flow is a major determinant of habitat and transport
4. Recent Delta environmental flows are insufficient to support native Delta fishes for today's habitats
5. A strong science program and a flexible management regime are essential to improving flow criteria



Setting Flow Requirements in Florida and Texas – State Statutes

- “The minimum flow for a given watercourse shall be the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area.” Section 373.042 Florida Statutes
- “must consider all reasonably available science, without regard to the need for the water for other uses, and ... the recommendations must be based solely on the best science available” Texas Water Code §11.02362 (m) Senate Bill 3 - 2007

Lessons from 40 Years of Interagency Science in the Delta

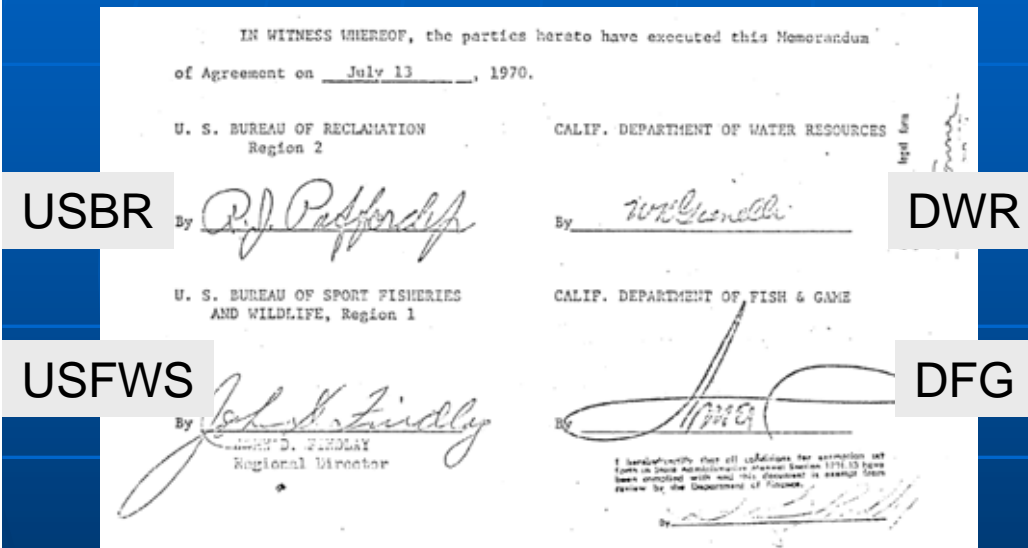
Dr. Anke Mueller-Solger

IEP Lead Scientist

Delta Stewardship Council

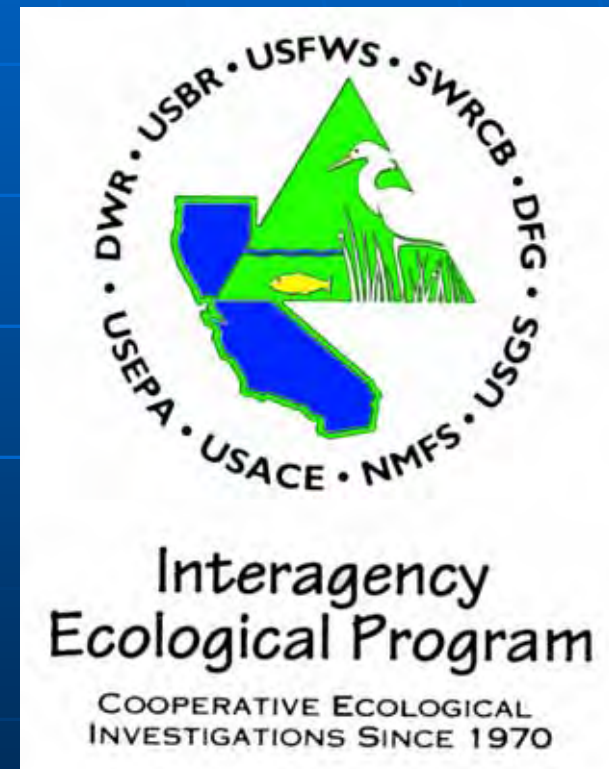
40 Years of Doing Science in the Delta: The Interagency Ecological Program

1970
4 Agencies



“Provide interagency organizational structure and conduct studies to evaluate ecological effects of water project development on the Sacramento-San Joaquin estuary”

2010
9 Agencies



“Provide scientific information ... for more efficient management of the estuary.”

Interagency Ecological Program

Cooperative Ecological Investigations
in the San Francisco Estuary since 1970

<http://www.water.ca.gov/iep/>

Save these Dates!

Annual 2010 IEP Workshop

When:

May 25 from 9am – 4:30pm
Poster reception to follow.

May 26 from 9am – 4:30pm

Where:

California State University
at Sacramento, University Union
and Alumni Center

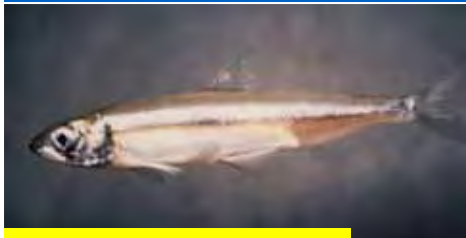
Stay tuned for agenda and registration details.

Ideas for sessions topics can be sent to:
Kelly Souza at ksouza@dfg.ca.gov

Photo by Angelo Garcia, Jr.

Long-term IEP Monitoring Shows Fish Declines (and many other ecological trends)

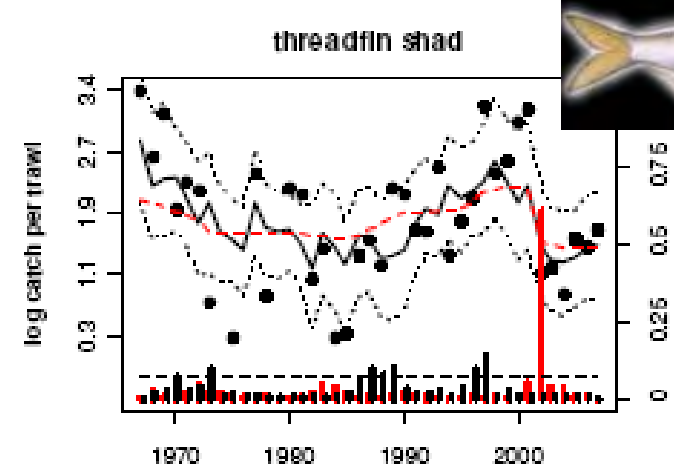
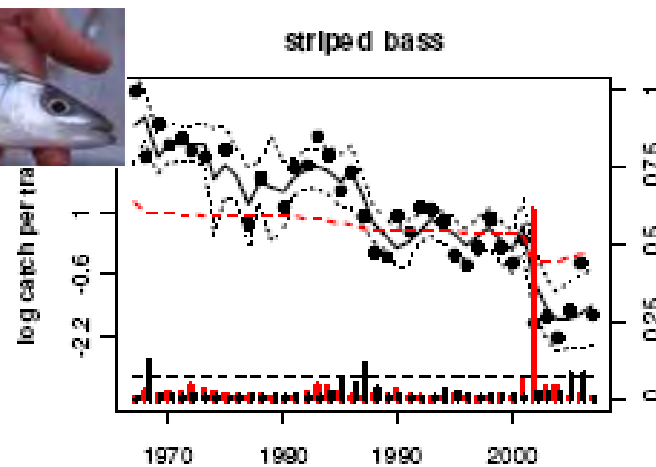
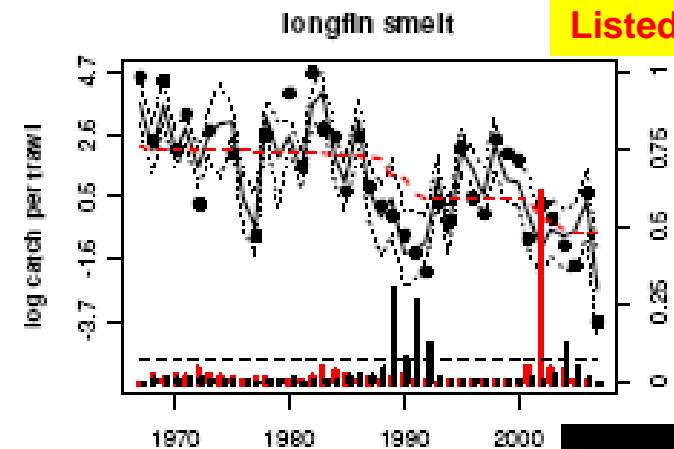
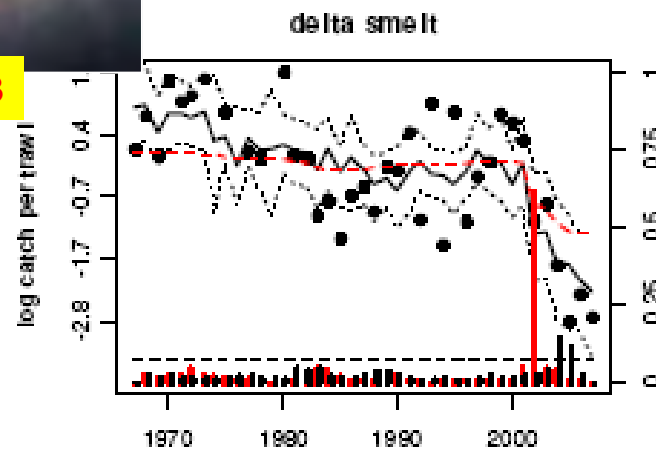
“Change Point” in 2002



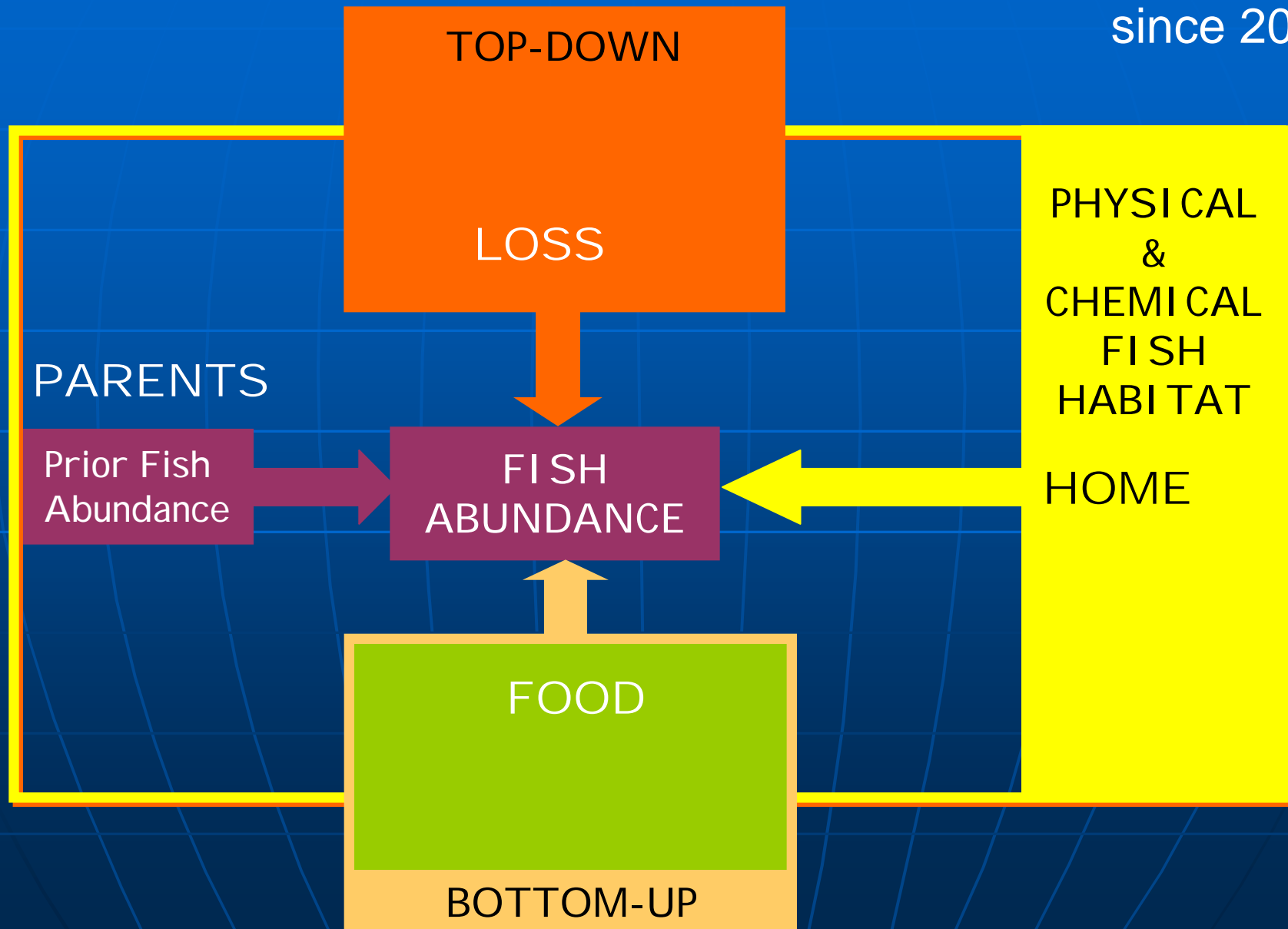
Listed since 1993



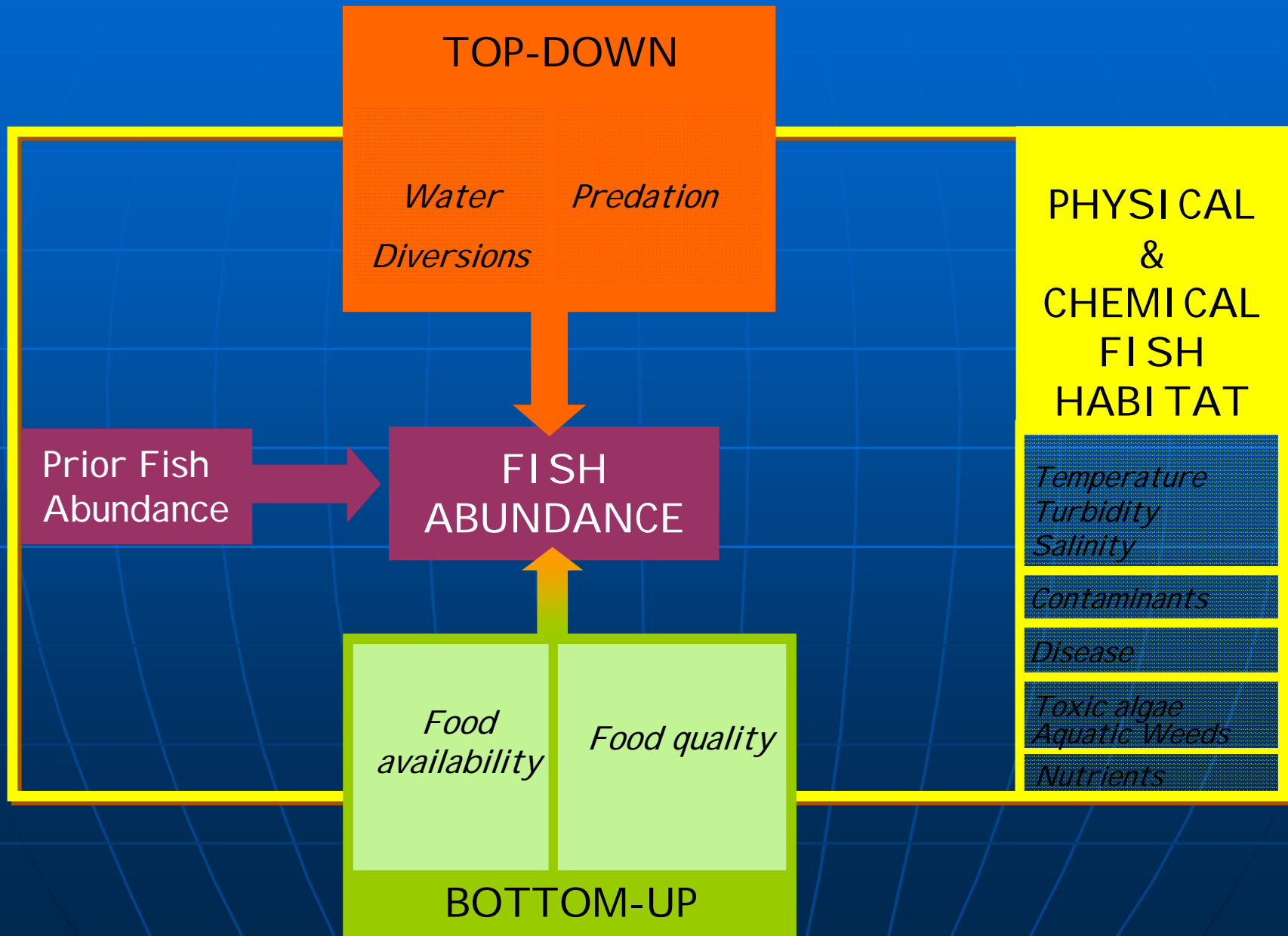
Listed since 2009



IEP Pelagic Organism Decline (POD) Research *Investigates Multiple Potential Causes for Declines* since 2005



Multiple Stressors... in Combination!



Ecological Regime Shift

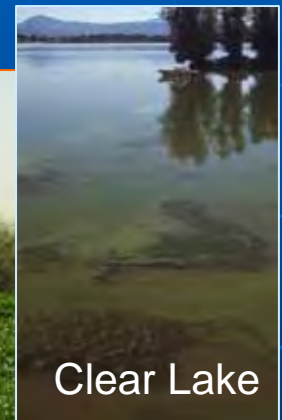
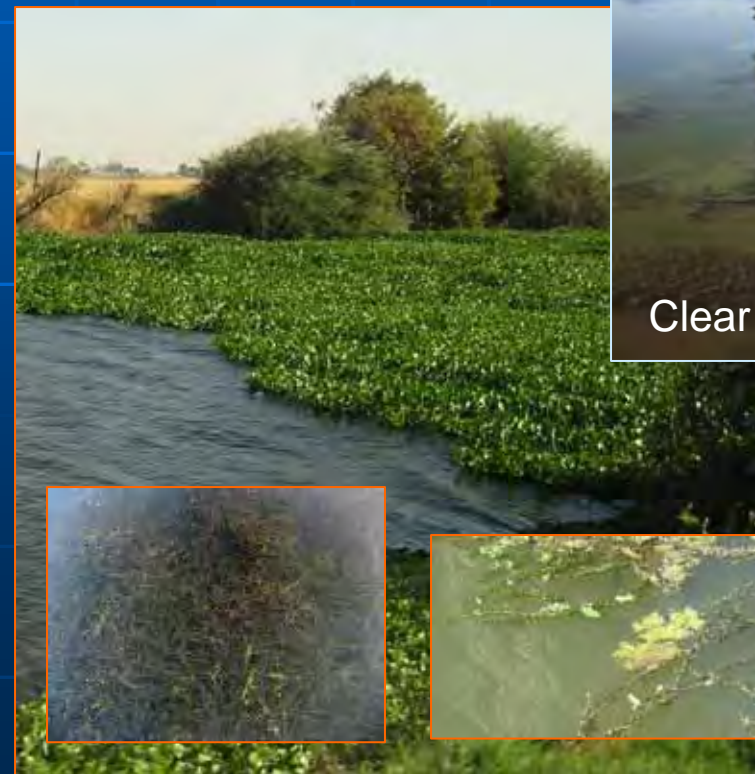
“Rapid reorganization of an ecosystem from one relatively stable state to another.”

From river estuary

... to weedy “lake”



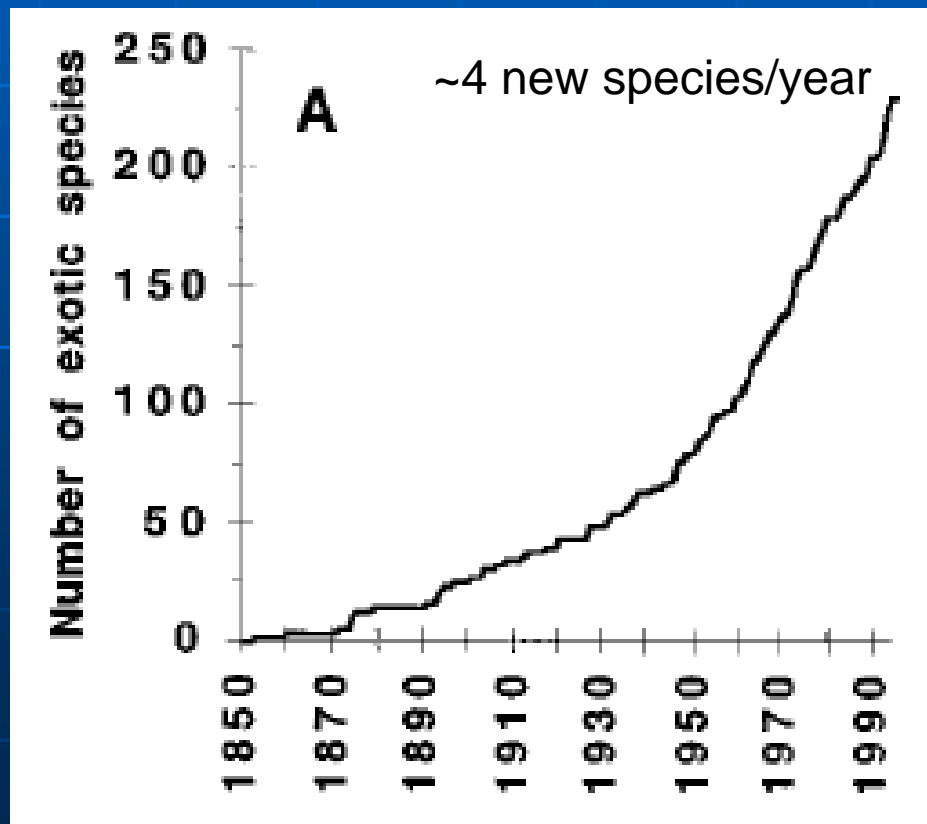
1873 → Today



Clear Lake

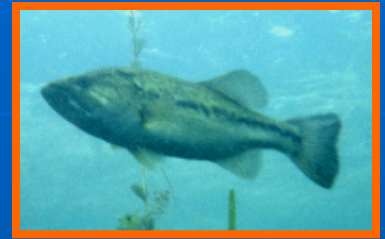
Regime Shift Winners: Non-Native & Nuisance Species

“...the most invaded aquatic
ecosystem in the world.”
(Cohen & Carlton, Science 1998)

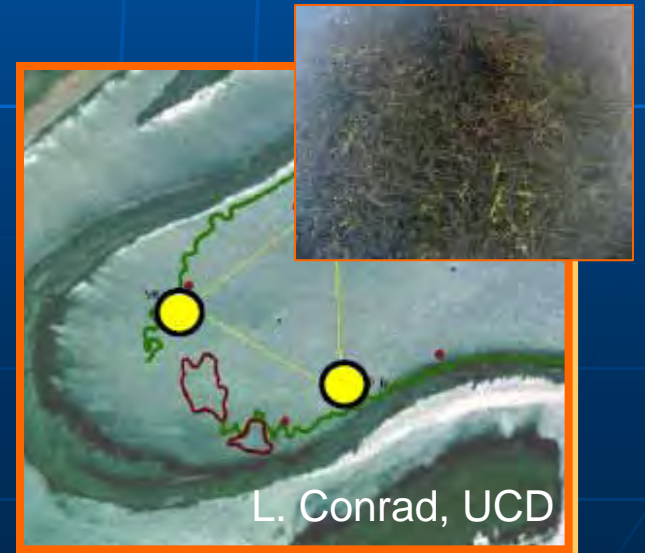


Regime Shift Winners: Non-Native & Nuisance Species

March 11-14, 2010, Bass Tournament:
Winner John Crews of Salem, VA, said he fished in
*“dead-end slough that held deep,
thick hydrilla.”*



\$100K trophy



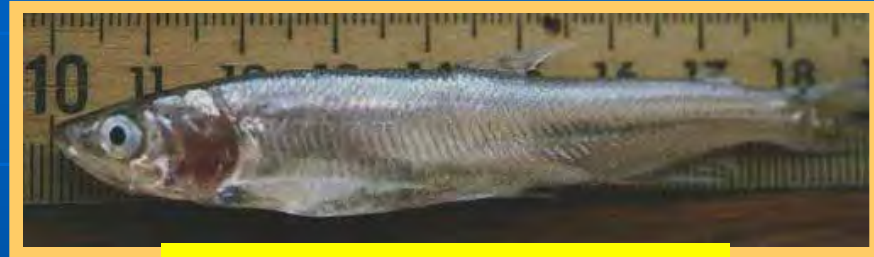
Regime Shift Losers: Native Species, Unique Natural Heritage

Delta smelt



Listed since 1993

Longfin smelt



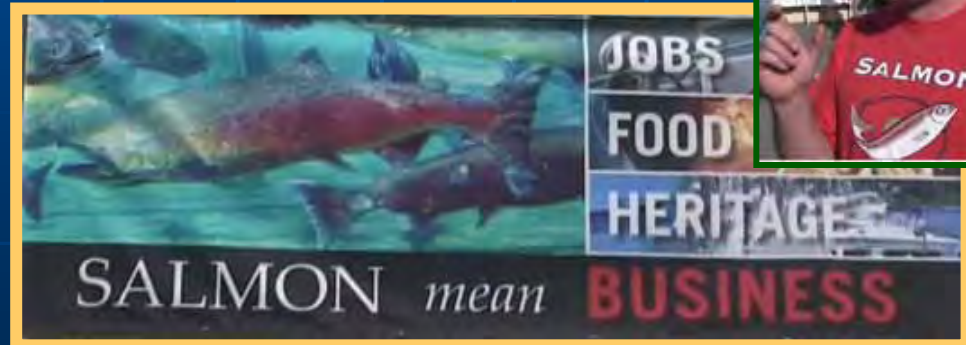
Listed since 2009

Green Sturgeon



Listed since 2006

Salmon



Listed since 1989(+)

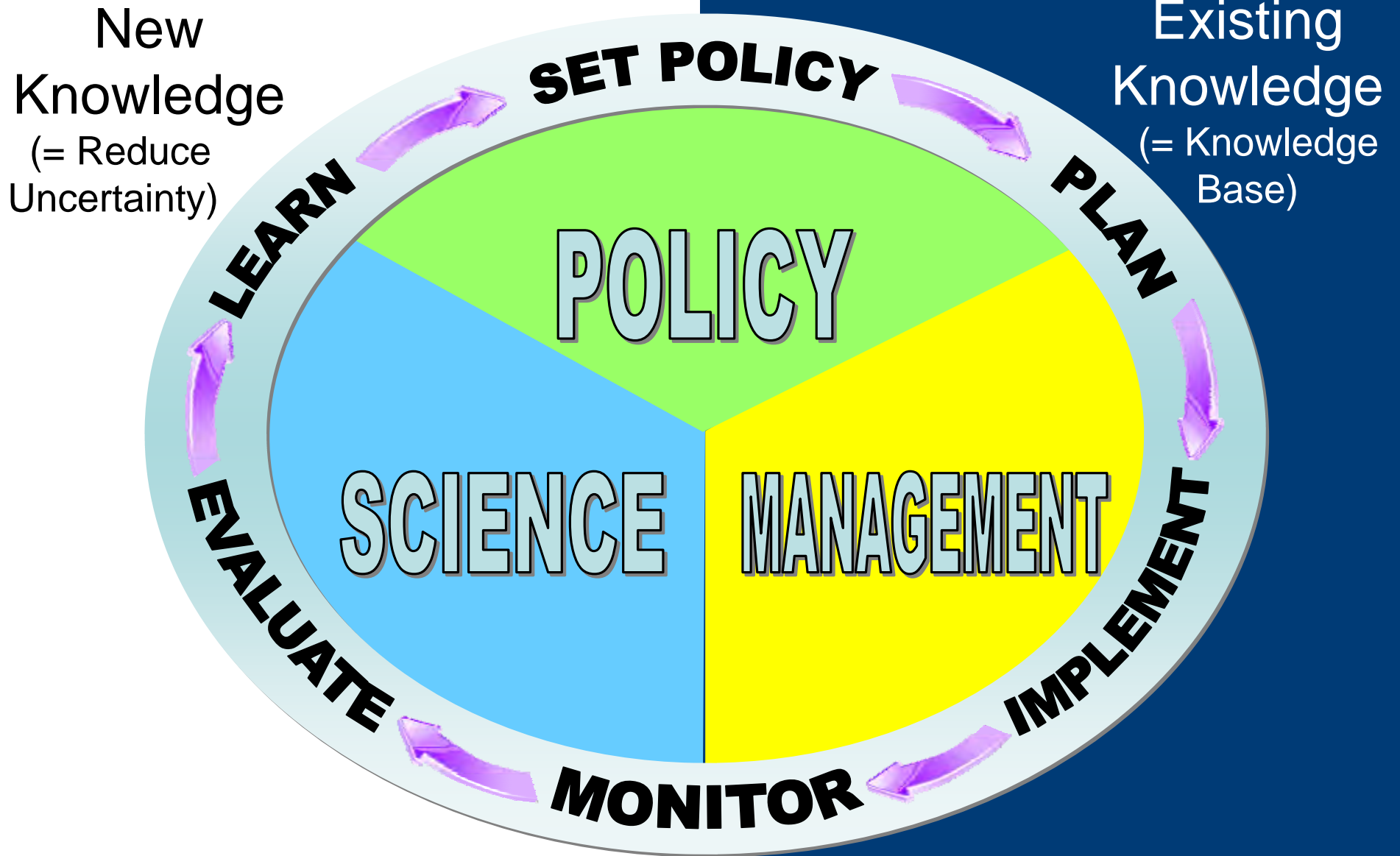
More Change will Come - but Details are Uncertain

“Confront Uncertainty”

- Identify and Reduce Uncertainty:
Science – *with Policy & Management*
- Decide and Act under Uncertainty –
Policy & Management – *with Science*

*“Rely on scientists to recognize problems,
work with scientists to remedy problems.”*

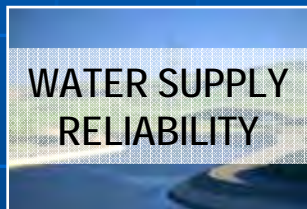
Working Together to Confront Uncertainty in a Changing System: The Adaptive Management Cycle



Bay-Delta Conflicts ...



California Bay-Delta's ecosystem is at the center of competing demands



Water supplies are not fully reliable



Water quality degradation makes it difficult and expensive to meet drinking water standards



Delta levee failures threaten agricultural, urban and environmental uses

Co-equal Goals

"Coequal goals means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– State Water Code §85054

How Water Gets Across the Delta

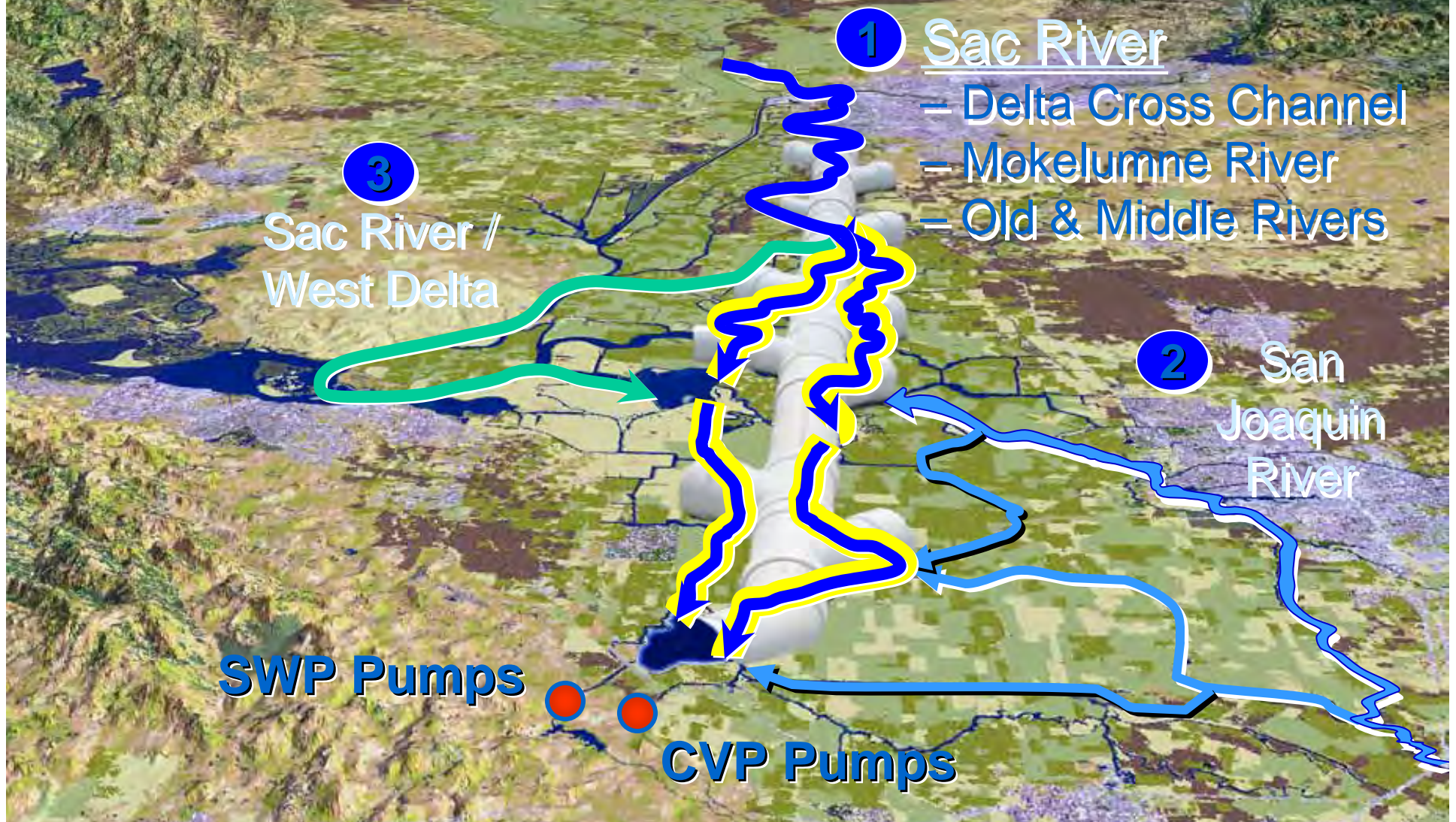
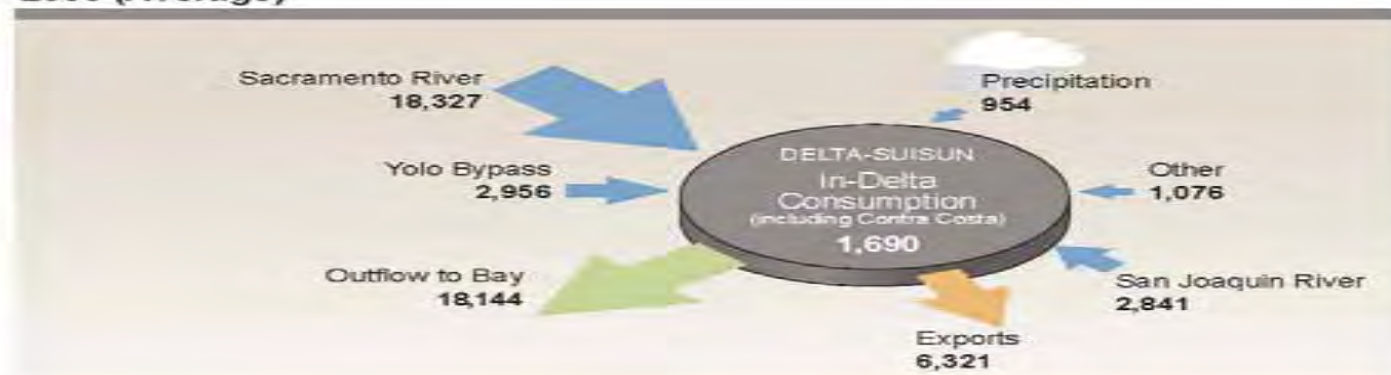


Figure 9. Delta Water Balance by Water Year Type

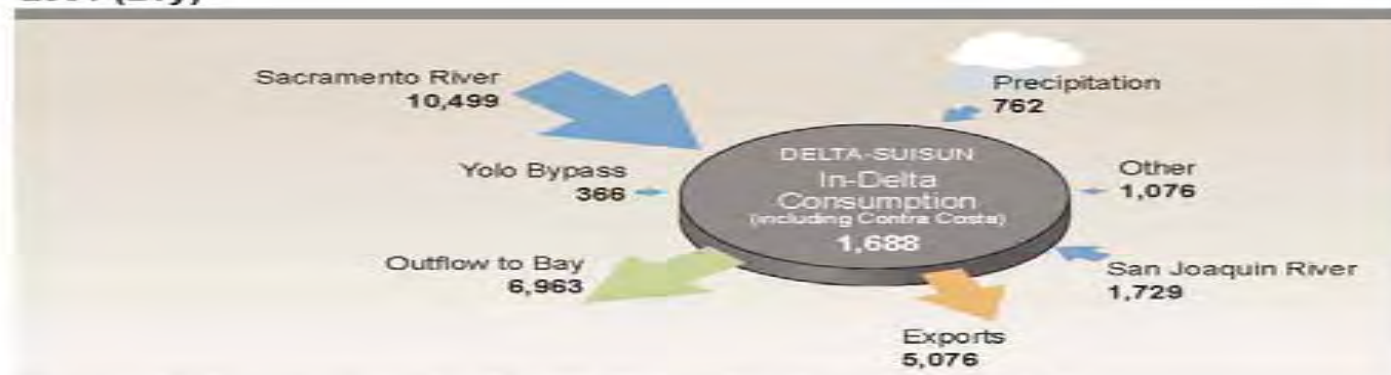
1998 (Wet)



2000 (Average)



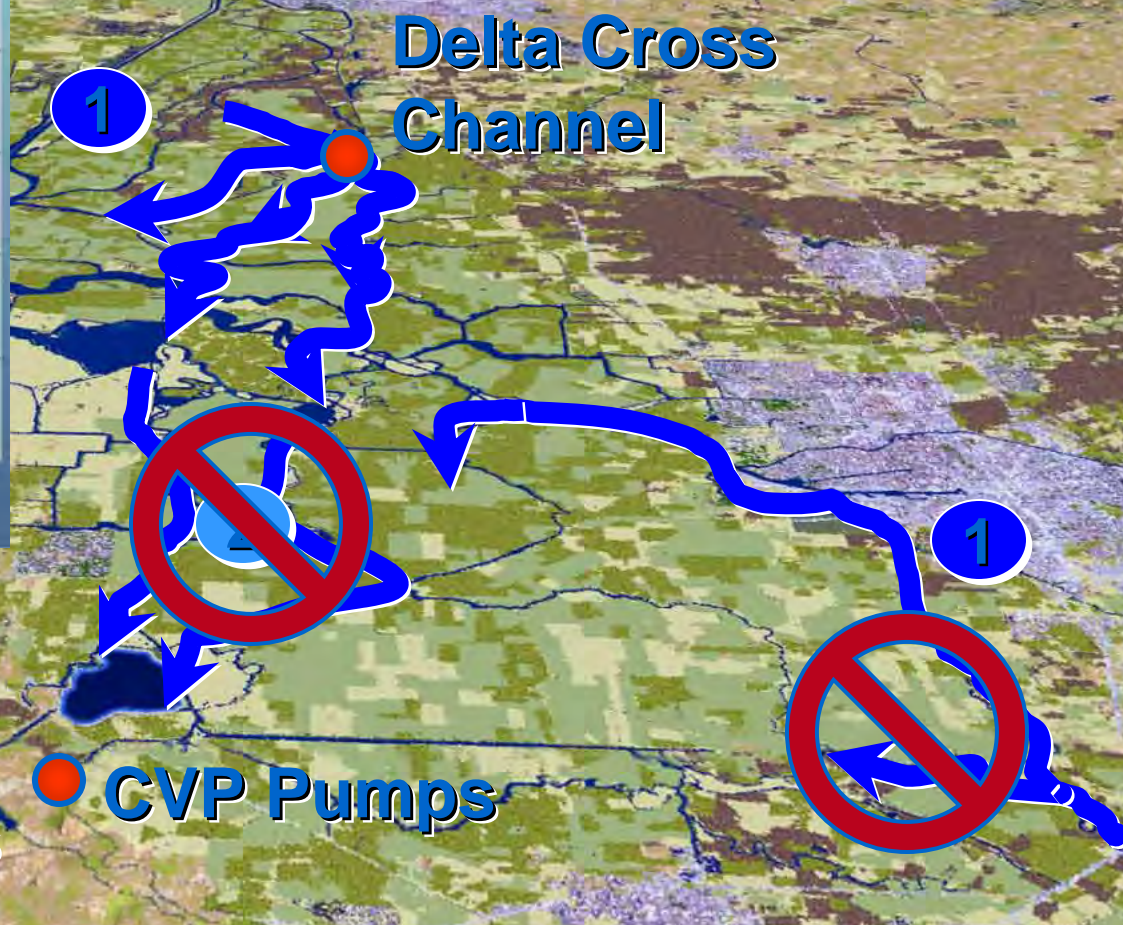
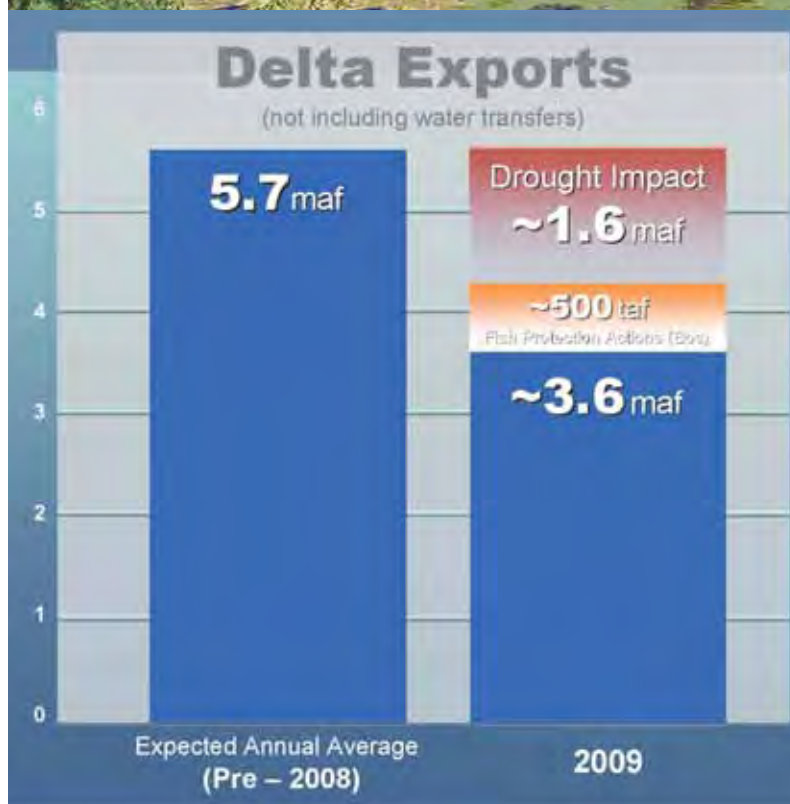
2001 (Dry)



Source: Status and Trends of Delta-Suisun Services, DWR 2007

Actions have consequences

Water Supply Implications



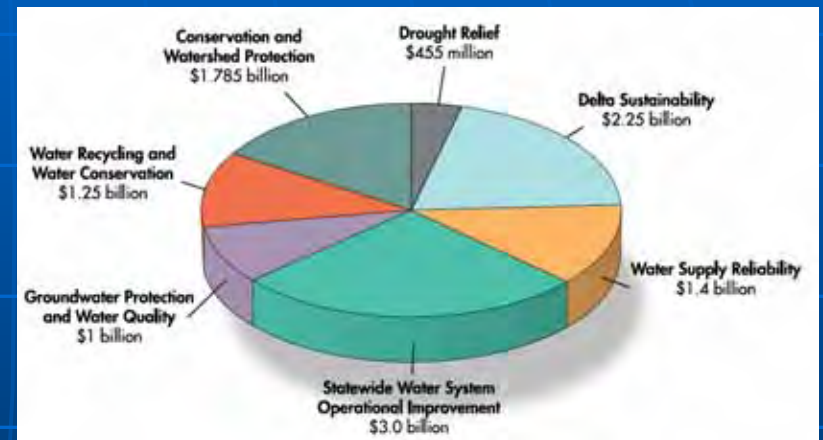
Potential for groundwater overdraft

- Water levels **ABOVE** drought period water levels
- Water levels About the **SAME** as drought period water levels
- Water levels **BELOW** drought period water levels



2009 Legislative Package

- ✓ Groundwater Monitoring (SBX7 6)
- ✓ Statewide Water Conservation (SBX7 7)
- ✓ Water Diversion and Use (SBX7 8)
- ✓ Delta Governance / Delta Plan (SBX7 1)



- ✓ Water Bond (SBX7 2)

Delta Plan, Co-equal Goals = Key



Marty Stanley

Delta Plan and Environmental Documents Consultant Contract (s)

Requested Actions:

1. Concur with the recommendation of the selection panel and request DWR, in consultation with Council staff, to take the following actions as soon as possible:
 - a. Execute a contract with the selected contractor for a term of 2 years, in an amount not to exceed \$9.5 million.
 - b. Prepare and execute an initial task order under the contract in an amount not to exceed \$2 million for project management, Delta Plan outline, interim plan and communications.
 - c. Assign the contract and initial task order to the Council as soon as practicable.
 2. Direct staff to seek an independent sub-consultant to review development of BDCP and its associated EIR/EIS.
-

NOTE: To comply with the regulatory selection process for architecture and engineering contracts, the names of the applicants and the selection panel's score sheet showing the relative rankings of those applicants will be kept confidential and not be made available to the public until after a contract is executed. This is intended to preserve the State's negotiating position if, for some reason, a contract is not ultimately executed with the most qualified applicant (with whom the State has completed near-final negotiations), and there is a need to begin negotiations with the next most qualified applicant, and so on. Consequently, applicants are referred to for purposes of this agenda item as Company A, B, C, and D.

Background

The Council, at its April 1, 2010 meeting, directed the staff to continue with the Delta Plan contractor selection process that was underway. That process had been initiated by the Department of Water Resources (DWR) in January 2010, but any and all decisions on a consulting team were reserved for Council members. When you directed that the process proceed, a Request for Qualifications (RFQ) had been advertised, proposals had been received and an initial screening evaluation had been completed.

The RFQ allowed bidders to submit a proposal for all elements of the contract, or selected elements. Bidders submitted proposals for the following categories of service:

1. Project Management
2. Technical Services
3. Environmental Services

Work under the awarded contract will be by task orders from DSC staff at the direction of the Council. The final product is to be a completed Delta Plan and a CEQA/NEPA compliance document (EIR/EIS), ready for adoption by the Council no later than January 1, 2012. The Delta Plan must also meet federal consistency requirements specified in Water Code Section 85300(d).

The following steps were taken to ensure the RFQ was advertised broadly and to select the most qualified firm:

1. The RFQ was advertised on January 25, 2010, in the State Contracts Register through the Department of General Services. The State Contracts Register reaches more than 350,000 vendors across California and the United States. In addition, the RFQ was posted on the Council's website and distributed, via email, to the Delta Vision list serve, adding an additional 800 contacts.
2. Staff held a pre-bid conference on February 4, 2010. Approximately 150 people representing 50 firms attended.
3. The Council received four proposals. Three proposals were for all elements of the Delta Plan RFQ and one was only for the technical services element.
4. A staff review panel was assembled, with three (3) DSC members and one representative of the Department of Water Resources (DWR). All four panel members scored the submitted bids.
5. Following an initial evaluation of each firm's Statement of Qualifications (SOQ) by the selection panel members it was determined that all four firms met the screening criteria set out in the RFQ. Accordingly, all four firms advanced to oral interviews.
6. The panel members interviewed the four firms on April 7 and 8, 2010. Council members were invited to observe the interviews. The Chair observed each of the interviews. The interview schedule and format are in Attachment 1.
7. The panel members completed their final evaluations on April 12, 2010. The results are discussed in the next section.

Consistent with DWR and state contracting processes, staff discussed with the recommended consultant the potential award of a contract. This discussion was limited to a review of the answers provided to the questions asked of all applicants, and also designed to ensure that a final agreement could be completed as rapidly as possible after the Council acts on the staff recommendation.

8. Negotiations began with the highest ranking consultant on April 12, 2010.
9. Negotiations were completed on April 13, 2010.

Panel Evaluation of Consultant Bids

All firms were ranked using the criteria described the Statement of Qualification Review Process. Scoring was based on qualifications as presented in the SOQ as well as in the interviews. Each interview began with a 30 minute presentation by the firm. Following the presentation, each firm was asked to respond to a set of nine questions

from Panel members (Attachment 1). Since elements of the required work could be awarded to separate contractors, each component was evaluated separately. The brief comments appearing next are organized in the same fashion as the RFQ.

Project Management:

Three firms bid on the project management component. Consultant A ranked significantly higher than the other two firms, primarily due to the extensive relevant experience of the project director. All three firms had competent project managers identified.

Technical Services:

Four firms bid on the technical services component. All were strong teams, but Consultant A's team had the most relevant and extensive expertise.

Environmental Services:

Three firms bid on the environmental services component. All were quite capable. Consultant A scored the highest because of their experience preparing CEQA and NEPA documents. Consultant A also was the only firm that discussed various approaches to gaining federal consistency by making the Delta a part of California's Coastal Zone Management Plan, including alternative approaches that were dependent on Congressional action.

Summaries of Proposals:

1. Consultant A

Project Management: Consultant A identified a very strong project management team. The project director has extensive experience on comparable statewide planning efforts, and also has a strong background in delivering CEQA/NEPA compliance documents. The project manager demonstrated very competent project management skills in a similar role. The score was based on the strengths of these two individuals. However, Consultant A set up their project management team to include a high level specialist in project control and risk management, which will greatly assist in delivering the Delta Plan and environmental compliance documents on schedule. They also positioned the integration and communication elements within their project management team. Although these elements were scored under the Technical Services component, it shows a good understanding of how critical these skills are to the overall success of the Delta Plan effort.

Technical Services: Consultant A had good technical experts and also a good depth of field in all technical areas. The major technical teams had known experts, sometimes several experts, in each area. Their strength in levees, land use planning, economics and finance, in addition to ecosystem

restoration and water resources engineering put this team in front of the others.

Environmental Services: Consultant A offers strong leaders and team members who have played significant roles in the preparation of Delta related environmental documents. The team has an excellent grasp of endangered species requirements and has participated in the development of HCP/NCCPs. Finally, Consultant A is aware that the Council is considering establishing a new segment to California's Coastal Zone Program pursuant to the Coastal Zone Management Act (CZMA), or comparable approach which would require Congressional action.

2. Consultant B

Project Management: Consultant B's project management team appeared to be competent, but did not have demonstrated experience with projects of this scope. This team scored essentially equivalent to Consultant C's team.

Technical Services: Consultant B had a strong technical team, lead by a very capable technical manager. The team included some "standout" technical experts, and we believe the overall team would have been capable of doing the work needed.

Environmental Services: Consultant B emphasized their experience in the preparation of significant environmental documents across the country and pointed out their relevance to the Council's requirements. They have the most experience and knowledge about compliance with endangered species requirements. However, Consultant B's CZMA approach seems to be directed at ensuring federal activities are consistent with the existing Coastal Zone Program.

3. Consultant C

Project Management: Consultant C's project management team was mixed in terms of qualifications. The project director had only local experience. However, the project manager had good experience and a very good management skill set. This firm also placed the integration element within project management. Overall, they scored essentially equivalent to the Consultant B.

Technical Services: Consultant C had good technical experts, especially in the water related areas. We believe the overall team would have been capable of doing the work needed.

Environmental Services: Consultant C has been involved in the preparation of a number of Delta related environmental documents. Team members

noted as strategists for the environmental document have substantial experience in this arena. Their endangered species compliance lead has a sizable amount of experience in the development of HCP/NCCPs. Consultant C's CZMA approach seems to be directed at ensuring federal activities are consistent with the existing Coastal Zone Program.

4. Consultant D

Project Management: Did not submit qualifications for this component.

Technical Services: Consultant D submitted only for the Technical Services component of the Delta Plan. The team included many competent experts, however the primary strength seemed to be in their levee and flood risk reduction work for the Delta Risk Management Strategy for CALFED and DWR.

Environmental Services: Did not submit qualifications for this component.

One key finding from examination of the written submissions, and the interviews, was that every team had in one way or another, an existing or previous relationship with aspects of the Bay Delta Conservation Plan process (BDCP).

As a result, the DSC staff is recommending that for BDCP-related activities mandated by statute, you retain independent consultants who have no prior or current involvement with BDCP. These consultants will be retained by the approved Delta Plan consulting team, but will be selected by you alone and will directly work for you. Payment for this independent consultant will come from within the total consulting budget for the Delta Plan and related environmental review.

To be precise, the statute creating the Council directed you to be a "responsible agency" under CEQA (Government Code Sec., 85320 (c), SB 7X 1), and also designated the Council as an appellate body if any person contests the Department of Fish & Game certification of BDCP recommendations (Government Code Sec. 85320 (b), SB 7X 1). It is these activities that we believe justify independent consulting advice and assistance.

Each bidder was advised of this staff suggestion and agreed that if they received the bid would comply with it. If you approve this approach, it allows us to gain a fresh and independent review of our duties relative to BDCP. This approach meshes well with the legislative mandate that the Delta Independent Science Board (which you appoint), must also review the BDCP.

Staff recommendation

1. Concur with the recommendation of the selection panel and request DWR, in consultation with Council staff, to take the following actions as soon as possible:
 - a. Execute a contract, including any recommendations from the Council, with the selected contractor for a term of 2 years, in an amount not to exceed \$9.5 million.
 - b. Prepare and execute an initial task order, including any changes recommended by the Council, under the contract in an amount not to exceed \$2 million for project management, Delta Plan outline, interim plan and communications.
 - c. Assign the contract and initial task order to the Council as soon as practicable.
2. Direct staff to seek an independent sub-consultant to review development of BDCP and its associated EIR/EIS.

Initial Task Order

For the Delta Plan and EIR/EIS to be completed on schedule, work must begin immediately on a number of fronts. With the contract award, staff recommends that an initial task order be written for the following work:

1. Develop a project management plan by the next Council meeting identifying all tasks, schedules and resources needed to complete the Delta Plan and EIR/EIS by the statutory deadline of January 1, 2012.
2. Conduct ongoing project management activities (e.g., organizing and status meetings), including timely responses to Council member requests.
3. Produce a detailed outline for the Delta Plan by the next Council meeting.
4. Provide support for development of the Interim Plan.
5. Identify and subcontract (subject to Council approval) with a firm or individuals with no previous connection to BDCP to provide the Council with independent advice and assistance. (Note: Per Water Code Section 85320 concerning the incorporation of BDCP into the Delta Plan, the Council 1) is a responsible agency in the development of the environmental impact report, and 2) hears appeals to the Department of Fish and Game's determination that the BDCP has met the requirements of Water Code Section 85320.) DPC staff will advise you of any additional terms and conditions of these independent consultants.
6. Organize and facilitate workshops on focused topics as identified by the Council.

7. Provide implementation support to the interagency coordination team.
8. Develop and assist in implementing a communications plan for the Delta Stewardship Council, with particular emphasis on transparency and accountability for development of the Delta Plan.

If approved by the Council, staff will develop a detailed task order to be executed immediately following the contract award. The task order will encumber no more than the \$2 million currently available for the Delta Plan.

Fiscal Information

Contract amount: \$9.5 million
Initial task order amount: \$2 million

List of Attachments

Attachment 1 - RFQ Interview Schedule and Format

Contact

Terry Macaulay Phone:
Acting Deputy Executive Officer

(916) 445-5825

ARCHITECTURAL & ENGINEERING CONTRACT – DELTA PLAN RFQ INTERVIEW SCHEDULE & FORMAT

Interview schedule:

Firm Presentations	30 minutes
Questions & Answers	30 minutes

Deliberation & discussion (Delta Plan Team/Council members ONLY) 1 hour

April 7, 2010 (Wednesday)

1. 9:00 – 11:00 CH2MHill
2. 12:00 – 2:00 MWH

April 8, 2010 (Thursday)

1. 10:00 – 12:00 Brown & Caldwell
2. 2:00 – 4:00 CDM

Interview format (Chairperson – Terry M):

1. Begin with self introduction and have each committee member introduce themselves
2. Describe interview format 1 hour overall (Presentations 30 min & Question/Answers 30 min)
3. Inform potential contractors not to divulge questions to other potential contractors and/or subcontractors
4. Inform potential contractors there are five key elements of Delta Plan RFQ that we want them to focus on within the Technical Services element.
 1. Co-equal goals
 2. Flood Risk Reduction
 3. Land use
 4. Finance
 5. Communication
5. **Information item only:** DWR will require submission of hourly rates and all associated costs which will be provided in sealed envelope and **ONLY** opened after the most qualified contractor(s) have been determined and only the envelope of the most qualified will be opened during rate negotiations. (Negotiations will be lead by DWR but Council will be present)

Questions:

1a. (All) regarding potential and perceived conflicts: Describe the nature of your and significant subcontractor's work on projects/plans that may be incorporated into the Delta Plan. Describe if you or significant subcontractors have been involved in developing initial data or plans for the Delta Plan project.

1b. (Environmental Services): Would you and significant subcontractors be willing to sign a disclosure statement similar to that under the NEPA regulations certifying that executing the contracted work of preparing the EIR/EIS for the Delta Plan does not represent an actual or potential conflict of interest and that you do not have any financial or other interest in the outcome of the Delta Plan Project?

1c. (All): Would you be willing to reassign subcontractors or secure services of other subcontractors to perform services to avoid appearances of conflict?

1d. (All): To address the appearance of potential conflicts, a contractor or significant subcontractor that is working or has worked on the BDCP, may not assist the Council in any way with regard to the Council's statutorily required review of the BDCP (as a CEQA responsible agency and/or on appeal of a decision by DFG). If applicable, is the contractor agreeable to reserving an appropriate amount of this "capacity contract" for BDCP review assistance and securing the services of a subcontractor that has not been involved in BDCP, to be identified by the Council at the appropriate time?

2. (All): Could you elaborate on how you have dealt in the past with highly controversial projects and your experience with the public transparency aspects?

3. (All): How successful have you or your company been in managing sensitive and controversial projects in the public arena? Please give some examples.

4. (All): Describe your experience working with a multi-member board/commission and your experience making presentations at public meetings?

5. (Project Management): Could you elaborate further on your ability to integrate public policy and project management functions?

6. (Project Management): Have you ever been involved in a rulemaking project? And if so, what was it and what was your role?

7. (All): If your firm was selected, but not for all components, (example: technical services) would you be willing to work with a different firm or firms for the remaining elements of the Delta Plan?

(Clarification point: *If you were selected for technical services and a different firm was selected for Project Manager/Project Director and another firm was selected for Environmental services, would you be willing to work with those firms?)*

8. (All): There is a minimum obligation of public outreach by law; would you be willing to augment additional resources to work with the Council?

(Clarification point: *Work of the Council and development of the Delta Plan is intertwined.*

9. (All): The council will reserve a portion of the total amount of the “capacity contract” for unanticipated or changing circumstances. If selected, is this agreeable?

Delta Plan Consultant Contract

Requested Actions

1. Concur with Selection Panel recommendation and request DWR to:
 - Execute contract \$9.5M, 2 years
 - Execute initial task order for project management, Delta Plan outline, interim plan and communications (\$2M)
 - Assign contract and task order to Council ASAP
2. Direct staff to seek consultant to review BDCP and associated EIS/EIR

Delta Plan Consultant Contract

Confidentiality in the Contract Process

- Prohibited from public disclosure of applicant identities, scores and rankings until contract is executed
- Preserves the State's negotiation position
- Accordingly, applicants referred to as Consultants A, B, C and D

Delta Plan Consultant Contract

Background

- Prior to 1st Council meeting:
 - RFQ advertised, proposals received and initial screening completed
 - Services sought in RFQ
 - Project Management
 - Technical Services
 - Environmental Services
 - All Decisions on selection reserved for Council
- Council's 1st meeting (April 1, 2010):
 - Directed staff to continue with process

Delta Plan Consultant Contract

Background (cont):

- Delta Plan and environmental documents to be completed by January 1, 2012
- All work initiated by task order at direction of Council
- Delta Plan to meet federal consistency requirements

Delta Plan Consultant Contract

RFQ Outreach

- Available to 350,000 vendors across California and the United States via the State Contracts Register
- Posted on the Council's Website
- Distributed to 800 contacts on Delta Vision list serve
- Pre-bid conference attended by 150 individuals representing 50 firms
- Council received 4 proposals. [Three firms (A,B and C) for all elements and one (D) just for Technical Services.]

Delta Plan Consultant Contract

Qualifications Evaluation

- Selection Panel:
 - 3 Council executive staff
 - 1 DWR A&E contracts staff
- All firms met scoring criteria set out in RFQ and advanced to interviews
- Interviews conducted April 7 and 8
- All Council members invited to observe. Council Chair observed all interviews.
- Final evaluations completed April 12
- Negotiations with highest ranking firm on April 13

Delta Plan Consultant Contract

Evaluation Results

- Recall the use of A, B, C and D to identify consultants
- Scoring based on:
 - Qualifications in proposal
 - Interviews
- Outcome by Elements:
 - **Project Management** – Consultant A ranked significantly higher than B and C based on extensive experience of Project Director.
 - **Technical Services** – All 4 firms identified strong teams but Consultant A had the most relevant and extensive experience.
 - **Environmental Services** – All 3 firms identified strong teams. Consultant A ranked higher than B and C based on their experience preparing environmental documents and their understanding of the need to make the Delta an element of California's Coastal Zone Management Program.

Delta Plan Consultant Contract

BDCP Independence

- Each firm has current or past BDCP relationship
- Council's obligation as a "responsible agency" and "appellate body" requires independent consultant
- Staff recommends:
 - Retention of consultant w/ no prior or current BDCP involvement
 - Consultant selected and directed by Council
 - Consultant to be retained by approved Delta Plan consultant
 - Consultant funded via Delta Plan budget

Delta Plan Consultant Contract

Initial Task Order

- Prepare Project Management Plan by the Council's next meeting
- Conduct ongoing Project Management activities
- Prepare a Delta Plan outline by the Council's next meeting
- Support development of the Interim Plan
- At Council's direction, subcontract with firm/individual with no previous BDCP connection
- Organize and facilitate workshops
- Provide implementation support to the Interagency Coordination team
- Assist in development of a Communications Plan

Delta Plan Consultant Contract

Requested Actions:

1. Concur with the recommendation of the selection panel and request DWR, in consultation with Council staff, to take the following actions as soon as possible:
 - a. Execute a contract with the selected contractor for a term of 2 years, in an amount not to exceed \$9.5 million.
 - b. Prepare and execute an initial task order under the contract in an amount not to exceed \$2 million for project management, Delta Plan outline, interim plan and communications.
 - c. Assign the contract and initial task order to the Council as soon as practicable.
2. Direct staff to seek an independent sub-consultant to review development of BDCP and its associated EIR/EIS.



650 CAPITOL MALL, FIFTH FLOOR
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

DELTA STEWARDSHIP COUNCIL

April 21, 2010

Mr. Charles Hoppin, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Chair
Phil Isenberg

Members
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli
Richard Roos-Collins

Interim Executive Officer
P. Joseph Grindstaff

Re: Appointment of Delta Watermaster

Dear Chair Hoppin:

It was a pleasure to meet with you last week to discuss—in the context of implementing SB X7 1-- some of the most pressing, and important, water and ecosystem challenges facing the State. Your approach is refreshing and it was very useful to share ideas for how the Delta Stewardship Council and the State Water Board may work together in the coming months. Next meeting, I come to your office!

As we discussed, one important near term “governance” action required by SB X7 1 is the appointment by the State Board, in consultation with the Council, of a Delta Watermaster.

I noticed that you have released the job application information for Watermaster. This letter is simply to restate some of my general observations for your consideration:

- The legislation is relatively expansive with regard to the duties and responsibilities of the Watermaster.
- Public expectation for the new governance structure authorized last year, is likely to be high. I discouraged taking a view of the Watermaster as a technical position only.
- Since your salary limits are low, I urged you to consider soliciting applications from a range of individuals who might well be willing to serve in state service at no public cost, or at the relatively low level indicated. To make this possible, any candidate would want to know that the Board would assign serious responsibilities and duties to the position.

Water Code Section 85230 requires the Watermaster to exercise the State Board’s authority to provide timely monitoring and enforcement of board orders and license and permit terms and conditions, as applicable to the Delta.. That provision further requires that the Watermaster’s delegated authority, as applicable to the Delta include, among other things, authority to require monitoring and reporting, to approve temporary urgency changes, to issue notices of proposed cease and desist orders or administrative civil liability complaints. The State Board may provide any additional duties or needs of the Watermaster that the board deems necessary for effective day-to-day enforcement of its decisions.

While the responsibilities and limited jurisdiction of the Watermaster might appear at first glance to be merely technical and administrative in nature, the complex and interrelated nature of Delta issues and

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

— State Water Code §85054

Mr. Charlie Hoppin
April 21, 2010
Page 2

their importance to the future prosperity of our State and the entire nation raise the stature of this position to a high level. The Legislature intended the Watermaster to be a "special master for the Delta", provided for a significant four-year term of appointment, and required regular reporting to the State Board and the Council precisely because this position is such an integral precursor to comprehensively fixing the hub of the state's water system.

I will discuss these comments with other Council members at our meeting later this week. However, I strongly encourage the Board to appoint as the Watermaster, a person whose qualifications evidence the highest integrity, stature, and executive-level management experience befitting this critically important new position. In this regard, we would recommend also considering strong candidates outside of the state civil service system, including those who may be retired and/or willing to serve on an unpaid basis.

Thank you again for the constructive meeting we had several days ago and for considering our recommendations on the appointment of the Delta Watermaster. I look forward to working with you and your staff in the days to come on these and other challenging delta-related issues. Please don't hesitate to call me if you have any questions or would like to discuss this or any other matter.

Sincerely,



Phillip Isenberg
Chair

I really enjoyed the talk & want to do it again. Phil



650 CAPITOL MALL, FIFTH FLOOR
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

DELTA STEWARDSHIP COUNCIL

April 21, 2010

Mr. Mark Cowin, Director
California Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

Chair
Phil Isenberg

Members
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli
Richard Roos-Collins

Re: Environmental Review of the BDCP

Interim Executive Officer
P. Joseph Grindstaff

Dear Director Cowin:

At our first meeting, the Delta Stewardship Council (Council) discussed, among other things, its legislatively-prescribed duties and responsibilities (described in the Sacramento-San Joaquin Delta Reform Act of 2009; new Div. 35, Water Code sec. 85000 et seq.).

Primary among those is preparation and adoption by January 1, 2012, of the Delta Plan to further the co-equal goals of "providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem" (Water Code secs. 85300(a) and 85054). Provided certain criteria are met, a major component for possible inclusion in the Delta Plan is the Bay-Delta Conservation Plan (BDCP) (Water Code secs. 85320-85322), for which DWR is currently acting as lead agency under CEQA.

The new legislation designates the Council "shall be a responsible agency" under CEQA "in the development of the environmental impact report" for the BDCP (Water Code sec. 85320(c)). In that role, the Council must comment on, and then ultimately determine whether the BDCP (and its EIR) meets the criteria set forth in Water Code sec. 85320(b) for inclusion in the Delta Plan and for state funding for associated public benefits.

While the Council is mindful that the environmental review process for the BDCP has been ongoing for some time, and that the formal scoping period has closed, we would nevertheless request and appreciate—as a newly-designated responsible agency—the opportunity to engage with you and your team in the next few weeks to discuss the nature and scope of the current environmental review and analysis and to explore areas that we believe may be deserving of additional or new analysis. Of particular (but not exclusive) concern to the Council in furthering the co-equal goals is an adequate environmental analysis in the BDCP EIR/EIS of both short and long-term flow criteria, alternative conveyance options (including sizing), the adaptive management process, performance measures, related effects on water quality, and risks associated with climate change, sea level rise, and natural disasters like floods or earthquakes. (See Water Code sec. 85320(b)(2).)

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

— State Water Code §85054

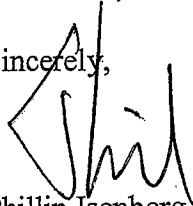
Mr. Mark Cowin

April 21, 2010

Page 2

Comprehensive and integrated Delta planning is essential, not only for the future of the Delta watershed, but for the entire state. The Council looks forward to working with you and your staff on the BDCP, the Delta Plan, and other related efforts. I will call you in the next few days to schedule an initial meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phillip', written over a large, stylized, handwritten letter 'P'.

Phillip Isenberg
Chair

cc: Lester Snow (Resources Agency)

David Nawi (DOI)

Ren Lohhefner (UFWs)

Maria Rea (NOAA Fisheries)

Don Glaser (BuRec)

Budget Policy Background

Summary

In 2009, the Governor and Legislature broke a 50 year deadlock over water policy in California with passage of the Sacramento-San Joaquin Delta Reform Act of 2009 (SBX7 1), which created a new Delta governance entity, the Delta Stewardship Council. This bill was part of a package of related legislation requiring statewide water conservation (SBX7 7), enforcement of existing water rights, water diversion, and use (SBX7 8), and measurement of groundwater basins and groundwater monitoring (SBX7 6). These measures became effective February 3, 2010. Also related to the package is a water supply, drought relief, and Delta sustainability bond measure (SBX7 2), that will be on the November 2010 ballot.

The newly created Delta Stewardship Council's proposed FY 2010-11 budget primarily is composed of existing staff and funding for on-going duties and obligations of the CALFED Bay-Delta Program (CALFED). The Council staffing includes 23 positions that were transferred from CALFED to various departments during the 2006 reorganization. These transferred positions included:

- 4 to the Department of Fish and Game (DFG);
- 18 to the Department of Forestry and Fire Protection (Cal Fire), and
- 1 to the State Water Resources Control Board (SWRCB).

The FY 2010-11 budget proposes transferring the four DFG and one SWRCB position back to the Council but without any attached funding. Only eight new positions are provided in SBX7 1; seven members of the Council and one Council assistant. Additionally, seven existing Council staff positions are proposed to be transferred to the new Sacramento-San Joaquin Delta Conservancy in FY 2010-11.

Delta Stewardship Council

New duties:

- **Coequal Goals.** Council duties are to be implemented to achieve a new policy regarding 'coequal goals':
"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. Water Code Sec. 85054.
- **Delta Plan.** The Council is directed to develop, adopt and implement a Delta Plan by January 1, 2012. Part of this duty is to also prepare the necessary regulatory and environmental documentation (EIR/EIS) for adoption at the same time.
- **Delta Science Program.** The Council is directed to appoint the Delta Independent Science Board, a lead scientist and to continue the Science Program, now called the Delta Science Program.

- **Interim Plan.** The Council is directed to develop an interim plan that includes recommendations for early actions, projects, and programs. This is to guide activities in the Delta until a Delta Plan can be adopted.
- **Consistency Determinations.** The council shall review and provide timely advice to local and regional planning agencies regarding the consistency with the Delta Plan of local and regional planning documents, including sustainable communities' strategies and alternative planning strategies
- **CALFED Bay-Delta Program.** The Council is delegated responsibility for all pre-existing CALFED activities. These duties include coordination of agencies, tracking of budget and performance, and reporting of all projects and programs dealing with the Delta. Some of these on-going duties are required in order to continue funding under the federal authorizing legislation. These duties should change as the federal legislation is amended to harmonize with state law.

CALFED Bay-Delta Program: A bit of history

CALFED was established in the Department of Water Resources (DWR) in 1995 in an effort to reduce conflicts in the Delta and the water systems of the Delta. A complicated program of stakeholder input, combined with state and some federal bond funds for facility planning, ecosystem improvements, etc. was at the heart of this effort. By 2002-03 the total budget – spread over several state and federal agencies – was \$111.5 million with 77 state positions. The bulk of the funds were federal (\$50.7 million), state bond funds (\$47.5 million from Prop 13 and Prop 50 which were intended to be spent over several years), reimbursements from various sources (\$7.9 million), and state General Fund of \$5.4 million.

In 2003-04, oversight of the program was assumed by the newly-created California Bay-Delta Authority. During that year, funding reached an all-time high of \$193.6 million. The bulk of the funds were from bonds (\$86.6 million from Prop 50 and \$48.5 million from Prop 204).

In 2006, the program was reorganized, removed from oversight of the Authority, and placed within the Natural Resources Agency as a program element. Interest in CALFED began to decline because it was increasingly clear that stakeholder's were unable to reach agreement on major Delta and state water and environmental policy. While support for an interest group regulatory process waned, support for the Science Program remained strong. CALFED funding and staff decreased when the environmental restoration function was transferred to DFG (FY 2006-07) and the watershed program function was transferred to the Department of Conservation.

Cal Fire gets involved

As part of the 2006 reorganization, the Legislature transferred all Authority positions to the Natural Resources Agency and five other CALFED implementing agencies because the Authority was defunded. Administrative support (Information Technology, Business Services, Human Resources, Contracts, Accounting and Budgeting) for CALFED continued, but 18 positions and the funding were transferred to Cal Fire to manage these

CALFED activities. The number of positions and funding has continued at approximately the same level since then.

This table summarizes the data for the 2006 reorganization.

CALFED Bay-Delta Program – 2006 Reorganization	
36 positions directly assigned to CALFED.	
General Fund	\$5.8 million
Proposition 50	\$5.6 million
Reimbursements	\$2.0 million
Sub-Total	\$13.4 million
18 positions directly assigned to Cal Fire	
General Fund	\$1.5 million
Budget Totals	\$14.9 million
54 Total Budgeted Positions	
Funding excludes carry-over bond fund and reimbursement balances.	

What did the 2009 water bill package do to the CALFED Bay-Delta Program and Cal Fire?

The 2009 bill package abolished the California Bay-Delta Authority, but left intact ongoing responsibility for overseeing and implementing relevant portions of the CALFED Record of Decision. All CALFED staff, existing contract obligations, duties and responsibilities, and funding were transferred to the new Council. The 18 employees in Cal Fire were also transferred to the Council per SBX7 1, Section 85034 (e). It also established the responsibility of the Council to support the Delta Conservancy until the FY 2010-11 budget could be approved by the legislature.

What duties of the CALFED Bay-Delta Program are continuing responsibilities of the Council?

The Council will assume oversight of the following CALFED activities:

- Science, including research grants and fellowships, on critical management issues, scientific review panels, technical workshops, publication of an online scientific journal, an electronic science newsletter, a State of Bay-Delta Science report, and coordination and integration of science into agency efforts
- Budget and performance tracking, that includes preparation of a cross cut budget to comply with state and federal law, an annual report to Congress and the Legislature, and an online database of all CALFED projects
- Agency coordination with state and federal agencies that fund CALFED programs

The proposed Council budget for FY 2010-11

General Fund	\$ 5 million	(supports 34 staff positions; operating expenses)
ELPF	\$ 751,000	(7 Council members; and 1 Chair assistant)
Federal	\$ 2.9 million	(includes existing grant \$750k for performance tracking)
Reimbursements	\$ 21.8 million	(includes \$16m from Prop 84 for the Delta Plan and five unfunded positions from DFG and SWRCB)
Total:	<hr/> \$ 30.5 million	

Additionally, the Council has Prop 50 carry-over balances to fund 11 science positions and some science grants/contracts. Also, reimbursements from DWR Prop 84 balances to use for science grants. Note that carry-over balances are not shown in the Budget Act.

Funding Challenges.

The Council has no clear funding beyond FY 2011-12.

Issues raised by the Legislative Analyst

Q. Time for a Zero-Based Budget for CALFED?

A. The Council currently has the responsibility to develop an annual crosscut budget showing expenditures for all federal and state agencies that manage CALFED-related programs. There is merit to the suggestion that all of these programs should be evaluated for efficiency, effectiveness, and adherence to statutory requirements. Additionally, many programs have been shown as CALFED but really have broader implications. For example, much previous water conservation funding has been characterized as a CALFED program. Because the new state legislation assigns most water conservation oversight to DWR, this program would probably be better tracked and managed by that department. Until federal legislation is changed however, tracking those expenditures will be a legal requirement for the Council. The Council could develop and submit a zero-based budget to the Department of Finance; however, guidance will be required as to what this project would entail.

Q. We find that the work that would otherwise be assigned to a project direction contractor should instead be handled by one or more of the 19 executive-level staff proposed for the council.

The executive staff of the Council includes:

- Seven new Council members
- One new Council assistant
- Five current staff including executive officer, legal counsel, legislative director, chief deputy officer, and the Interagency Ecological Program lead scientist
- Six current clerical/support staff

The new duties assigned to the Council, particularly the monitoring and supervision of the preparation, adoption, and implementation of the Delta Plan and the related environmental documents, requires a person experienced in CEQA/NEPA law, water and ecosystem project engineering, and large project management and control. None of the existing executive level staff has the experience, let alone time, to supervise the newly assigned work.

Q. The proposal to continue the current contract arrangement for a BDCP liaison is problematic.

A. The Council agrees with this assessment and it is in the process of reassigning this contract to DWR.

Q. Council Should Develop a Long-Term Financing Plan for Delta Improvements

A. The Council agrees with this finding and plans to include a financing plan in the Delta Plan.

DELTA STEWARDSHIP COUNCIL
Agreements Approved by Executive Officer
(2/3/10 - 4/15/10)

GRANTS

Agreement #	Contractor	Project Title	Start Date	End Date	Total	CALFED TRANSFERS	Signed PRIOR to 4/1/10	Signed AFTER 4/1/10
DELTA SCIENCE PROGRAM - AMENDMENTS FOR "TIME EXTENSION" ONLY								
1037	San Francisco State University	Climate Change Impacts to San Francisco Bay-Delta Wetlands: Links to Pelagic Food Webs and Predictive Responses Based on Landscape Modeling	4/1/2007	6/30/2011	\$646,848.00	Yes	X	
1039	San Francisco State University	Do Low Phytoplankton Growth Rates Signal the "Bad" Habitat Conditions in Suisun Bay Driving the Pelagic Organism Decline?	5/10/2007	6/30/2011	\$838,372.00	Yes		X
1054	Dept of Water Resources	Analysis of Archived Samples to Assess Patterns of Historic Invasive Bivalve Biomass	4/1/2008	12/31/2010	\$219,822.00	Yes	X	
S-05-SC-054	Dept of Water Resources	Phytoplankton Communities in the San Francisco Estuary: Monitoring and Management Using A Submersible Spectrofluorometer	5/1/2006	6/30/2011	\$159,158.00	Yes	X	

CONTRACTS

Agreement #	Contractor	Project Title	Start Date	End Date	Total	CALFED TRANSFERS	Signed PRIOR to 4/1/10	Signed AFTER 4/1/10
EXECUTIVE OFFICE - NEW CONTRACTS								
2000	Natural Resources Agency	Legislative Tracking Services	2/3/2010	11/30/2010	\$583.00	No	X	
2001	State Controller's Office	CalATERS (Travel)	2/3/2010	6/30/2012	\$3,600.00	No		X
2004	Dept of General Services	Accounting Services	2/3/2010	6/30/2010	\$93,000.00	No	X	

Legislative Update

Summary: This report includes a description of AB 2092 (Huffman) and a list of other legislation regarding Delta water policy.

PURPOSE OF THE BILL

AB 2092 would implement a key recommendation of the Delta Vision Taskforce.

DESCRIPTION

This bill would require the Council to adopt a fee on state and federal water supply contractors that are Delta exporters. The fee would be used to fund the following costs of the Council:

- Delta Plan preparation.
- Long-term finance plan preparation.
- Annual administrative costs exclusive of grants and science research projects.

The fee would be set at a rate or rates that reasonably match the benefits the contractors receive from the specified activities to be funded. The Board of Equalization would be responsible for collecting the fees beginning July 1, 2011.

In addition, the Council would be required to develop a long term financing plan, before January 1, 2013, to pay the costs of implementing the Delta Plan and to determine the benefits to various specified groups resulting from Delta Plan implementation. The finance plan would allocate program costs based on benefits identified for each specified group. Private benefits associated with Delta Plan implementation would be paid for with fee revenues.

Comments: If this bill is enacted and becomes effective January 1, 2011, the Council will not be able to implement fee collection by July 1, 2011. This is because regulations would have to be developed and then reviewed and approved by the Office of Administrative Law, a process that can take six to eight months. In this light, we recommend amending the bill to include an exemption from the requirement for submitting regulations to OAL for approval.

The bill proposes a revenue collection cap of an unspecified amount from July 1, 2011 to June 30, 2014.

In addition, under current and proposed expenditure levels, the Council has about 15

months of funding for operations and planning. Given the state of the General Fund and the nature of the Council mission, some kind of fee authority will be essential to its future success. Because fee collections would presumably be ongoing throughout the fiscal year, the bill should be amended to provide for continuous appropriation of fee revenues.

LEGISLATIVE HISTORY

SB 12 (Simitian) 2009, would have established the Delta Ecosystem and Water Council and would have authorized it to impose a per acre-foot fee on water diversions within the Delta and on water conveyed through or around the Delta. The fee revenue would be used to support programs of the council, the Delta Protection Commission, the Department of Fish and Game, the Department of Water Resources, and the State Water Resources Control Board. The bill was placed on the Senate inactive file.

STAFF RECOMMENDATION

Support If Amended: The Delta Vision Strategic Plan recommends establishing a revenue base apart from the General Fund for funding Council programs. This bill would support that recommendation.

Other Bills of Interest

AB 1585 (Committee on Accountability and Administrative Rev) State government: reporting requirements: required repealer.

Last Amend: 2/8/2010

Location: 2/26/2010-A. CHAPTERED

Summary: Would require that the report submitted by a state or local agency to the Members of either house of the Legislature generally, be submitted as a printed copy to both the Legislative Counsel and the Secretary of the Senate, and as an electronic copy to the Chief Clerk of the Assembly. The bill would further require that the summary of a report made by a state agency to either house of the Legislature be submitted to the Members of the appropriate house by that agency, instead of by the Legislative Counsel. The bill would also specifically require the Legislative Counsel to maintain the list of state and local agencies' reports in a specified manner, including maintaining the list in an electronic format and deleting specified reports from the list. This bill contains other related provisions.

Position

Assigned

NAR

Curt

AB 1594 (**Huber D**) Sacramento-San Joaquin Delta: peripheral canal.

Location: 1/14/2010-A. W.,P. & W.

Calendar: 4/27/2010 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: Would prohibit the construction of a peripheral canal, as defined, that conveys water from a diversion point in the Sacramento River to a location south of the Sacramento-San Joaquin Delta, unless expressly authorized by the Legislature. The bill would require the Legislative Analyst's Office to complete an economic feasibility analysis prior to the enactment of a statute

authorizing the construction of a peripheral canal. The bill would also require that the construction and operation of a peripheral canal not diminish or negatively affect the water supplies, water rights, or quality of water for water users within the Sacramento-San Joaquin Delta watershed.

Position	Assigned
Oppose	Curt

AB
1659 **(Huber D) State government: agency repeals.**

Last Amend: 4/7/2010

Location: 4/8/2010-A. APPR.

Summary: Would create the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies, as defined, and to conduct a comprehensive analysis of every agency to determine if the agency is still necessary and cost effective. The bill would require each agency scheduled for repeal to submit a report to the committee containing specified information. The bill would require the committee to take public testimony and evaluate the agency prior to the date the agency is scheduled to be repealed, and would require that an agency be eliminated unless the Legislature enacts a law to extend, consolidate, or reorganize the agency. The bill would specify the composition of the committee, which would be appointed by the President pro Tempore of the Senate and the Speaker of the Assembly, and certain aspects of its operating procedure. The bill would also make a statement of legislative intent to enact legislation that provides for the repeal of every entity of state government, excluding an agency that is constitutionally created or an agency related to higher education.

Position	Assigned
Oppose	Curt

AB
1780 **(Yamada D) Delta Stewardship Council: certifications of consistency.**

Location: 2/9/2010-A. PRINT

Summary: Existing law requires the state or a local public agency that proposes to undertake certain actions within the boundaries of the Sacramento-San Joaquin Delta or the Suisun Marsh to prepare, and submit to the Delta Stewardship Council, a specified written certification of consistency with a prescribed Delta Plan prior to taking those actions. This bill would make a technical, nonsubstantive change to this requirement.

Position	Assigned
NAR	Curt

AB
1787 **(Swanson D) Administrative procedure: regulations: narrative description.**

Last Amend: 4/7/2010

Location: 2/18/2010-A. B. & P.

Calendar: 4/20/2010 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, Chair

Summary: Would additionally require the agency to include a narrative description of the additions to, and deletions from, the California Code of Regulations, as specified, and would state the intent of the Legislature to require state agencies to provide regulatory amendments in a narrative format that can be accurately translated by software used by the visually impaired.

Position	Assigned
Oppose	Curt

AB
1797 **(Berryhill, Bill R) State Water Resources Development System: Delta Corridors Plan.**

Last Amend: 4/7/2010

Location: 4/8/2010-A. W.,P. & W.

Calendar: 4/13/2010 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: Would require the department to undertake an expedited evaluation and feasibility study with regard to the implementation of a specified Delta Corridors Plan as part of the State Water Resources Development System. The bill would require the department to consult with the Department of Fish and Game to study specified impacts and benefits of the Delta Corridors Plan and to include in the study an assessment of the incorporation of the Two-Gates Fish Demonstration Project managed by the United States Bureau of Reclamation into the Delta Corridors Plan. The department would be required to prepare and submit to the Legislature, on or before January 1, 2012, a report that includes its feasibility findings. If the department determines the implementation of the plan is feasible, the department would be required to include recommendations with regard to specific facilities to be constructed, and to identify potential funding sources, for the purposes of implementing the plan. This bill contains other related provisions and other existing laws.

Position	Assigned
NAR	Curt

AB
1993

(Strickland, Audra R) State government: reports: declarations.

Last Amend: 4/6/2010

Location: 3/4/2010-A. B. & P.

Calendar: 4/13/2010 9 a.m. - State Capitol, Room 447 ASSEMBLY BUSINESS, PROFESSIONS AND CONSUMER PROTECTION, HAYASHI, Chair

Summary: Would require any entity submitting a written report to the Legislature, a Member of the Legislature, or a committee of the Legislature to include a signed statement by the head of the entity submitting the written report declaring that the factual contents of the written report are true, accurate, and complete to the best of his or her knowledge. This bill contains other related provisions.

Position	Assigned
Neutral	Curt

AB
2006

(Hill D) Governmental linguistics.

Last Amend: 4/6/2010

Location: 4/7/2010-A. APPR.

Calendar: 4/14/2010 9 a.m. - State Capitol, Room 4202 ASSEMBLY APPROPRIATIONS, FUENTES, CHAIR

Summary: Would until January 1, 2015, require the California Research Bureau to survey state agency documents to determine the extent to which existing documents use language that suggests a particular religious faith or sect. This bill would also require the bureau to consult with experts to identify religiously neutral and inclusive terms to replace existing language and to identify any legal or fiscal ramifications, as specified. This bill would require the bureau to submit a report based on its findings to the Chief Clerk of the Assembly, the Secretary of the Senate, and the Judiciary Committees of the Assembly and Senate.

Position	Assigned
NAR	Curt

AB
2049

(Arambula I) State Water Resources Development System: water delivery.

Location: 3/4/2010-A. W.,P. & W.

Calendar: 4/13/2010 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS - 9

A.M. ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: Would prohibit the Director of Water Resources, to the extent permitted by law, from approving a transfer or assignment, for more than 10 years, of any contractual right to the delivery of a water supply from the State Water Resources Development System that is held by a contractor for agricultural use to another contractor for municipal use.

Position	Assigned
Watch	Curt

AB
2092 **(Huffman D) Delta Stewardship Council: planning and administration: fee.**

Last Amend: 4/6/2010

Location: 4/7/2010-A. W.,P. & W.

Calendar: 4/13/2010 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS - 9 A.M. ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: Would require the council to adopt a fee on water supply contractors of the State Water Project and the federal Central Valley Project to fund a portion of specified costs of the council. The fee would be based on a reasonable estimate of the benefits received by the contractors of the State Water Project and the federal Central Valley Project from the activities associated with those costs. The State Board of Equalization would begin collecting the fee on July 1, 2011, and would be required to deposit the proceeds into the Delta Stewardship Council Planning Fund, which the bill would create. Moneys in the fund would be available to fund specified costs of the council, and the costs of the State Board of Equalization incurred in collecting the fee, upon appropriation by the Legislature. The council would be required to ensure that the fee does not result in the creation of more than \$_____ in revenue, and the fee could be imposed only until July 1, 2014. This bill contains other related provisions.

Position	Assigned
Oppose, Unless Amended	Curt

AB
2146 **(Berryhill, Bill R) Water resources: bond funds: appropriations.**

Last Amend: 4/5/2010

Location: 4/6/2010-A. W.,P. & W.

Summary: Would appropriate an unspecified amount from these funds for purposes of certain projects.

Position	Assigned
Watch	Curt

AB
2304 **(Huffman D) Groundwater management plans: components.**

Last Amend: 4/6/2010

Location: 4/7/2010-A. W.,P. & W.

Calendar: 4/27/2010 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: Would add coordination with local planning agencies to develop and implement land use strategies that protect prime recharge areas to the list of authorized components of a groundwater management plan. This bill contains other related provisions and other existing laws.

Position	Assigned
Watch	Curt

AB
2336 **(Fuller R) Delta Stewardship Council.**

Location: 3/11/2010-A. W.,P. & W.

Calendar: 4/13/2010 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS - 9 A.M. ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: Would require the council, in the course of developing and adopting the Delta Plan, to assess the adverse impacts of invasive species predation on native species, evaluate predator suppression options in areas of the Delta that evidence the highest levels of predation, and recommend changes in law and actions by state agencies to remedy the situation in as timely a manner as is practicable.

Position	Assigned
Support	Curt

AB
2376 **(Huffman D) Fish and wildlife: strategic vision.**

Last Amend: 4/5/2010

Location: 4/6/2010-A. W.,P. & W.

Calendar: 4/13/2010 9 a.m. - State Capitol, Room 437 SPECIAL ORDER OF BUSINESS - 9 A.M. ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: Would require the Secretary of the Natural Resources Agency to convene a committee, with membership as prescribed, to develop and submit to the Governor and Legislature, before July 1, 2012, a strategic vision for the department and the commission that addresses specified matters relating to state fish and wildlife resource management.

Position	Assigned
Watch	Curt

AB
2405 **(Buchanan D) Delta flood protection.**

Location: 4/8/2010-A. W.,P. & W.

Summary: Existing law governing levee maintenance in the Sacramento-San Joaquin Delta requires the Department of Water Resources to develop and submit to the Central Valley Flood Protection Board, for adoption by the board, criteria for the maintenance and improvement of levees that are not project facilities under the State Water Resources Law of 1945, known as nonproject levees, as prescribed. If the department finds that the annual routine maintenance work specified in the plans approved by the board is not being performed in accordance with the agreement entered into between the local agency and the board, the department is authorized to establish a maintenance area and thereafter annually maintain the nonproject levee in accordance with those plans and subject to specified provisions of law. This bill would make technical, nonsubstantive changes to that authorization.

Position	Assigned
NAR	Curt

AB
2420 **(Huffman D) Protected species: incidental take: consistency determinations.**

Last Amend: 3/24/2010

Location: 3/25/2010-A. W.,P. & W.

Summary: Would require the inclusion in the notice of a specified additional information, including copy of the biological opinion along with an incidental take statement or a copy of the conservation plan with an incidental take permit. The bill would authorize the department to adopt regulations to implement those revised incidental take and consistency determination provisions. This bill contains other existing laws.

Position	Assigned
Watch	Curt

AB
2421 **(Nielsen R) Water development projects: Sacramento-San Joaquin watersheds.**

Location: 2/19/2010-A. PRINT

Summary: Existing law adopts and authorizes specified projects in areas within the City of Sacramento and the Counties of Sacramento and Sutter at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation upon the recommendation and advice of the Department of Water Resources or the Reclamation Board. This bill would make technical, nonsubstantive changes to those provisions.

Position	Assigned
NAR	Curt

AB
2575

(Chesbro D) Resources: watersheds.

Location: 3/18/2010-A. NAT. RES.

Calendar: 4/19/2010 1:30 p.m. - State Capitol, Room 447 ASSEMBLY NATURAL RESOURCES, CHESBRO, Chair

Summary: Would require the department when implementing a pilot project to protect and repair the riparian zone in watersheds with listed anadromous salmonids to, among other things, ensure that the industry, agencies, and public have balanced involvement in the pilot projects and that the pilot project have certain goals. This bill contains other related provisions.

Position	Assigned
NAR	Curt

AB
2669

(V. Manuel Perez D) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006: integrated water quality and wastewater treatment program plan: Riverside County.

Location: 3/18/2010-A. E.S. & T.M.

Calendar: 4/13/2010 1:30 p.m. - State Capitol, Room 444 ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, NAVA, Chair

Summary: Would appropriate \$2,000,000 of those bond funds to the department, for allocation to Riverside County, as specified, for an integrated water quality and wastewater treatment program plan to address drinking water and the wastewater needs of disadvantaged communities in the unincorporated areas of Riverside County. The bill would require the plan to primarily address arsenic contamination of drinking water and would prescribe other requirements for the plan.

Position	Assigned
NAR	Curt

AJR
38

(Arambula I) Public resources: Two-Gates Fish Protection Demonstration Project.

Location: 3/11/2010-A. W.,P. & W.

Calendar: 4/27/2010 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: Would request the United States Department of the Interior to complete its study of the Sacramento-San Joaquin Delta through the Two-Gates Fish Protection Demonstration Project.

Position	Assigned
Watch	Curt

SB
565

(Pavley D) Water resources.

Last Amend: 2/1/2010

Location: 2/1/2010-A. W.,P. & W.

Summary: Would expand the exemption to other provisions relating to water use, including provisions that require the payment of fees to the State Water Resources Control Board (board) for

official services relating to statements of water diversion and use. This bill contains other related provisions and other existing laws.

Position	Assigned
Watch	Curt

SB
808 **(Wolk D) Delta levee maintenance.**

Last Amend: 1/25/2010

Location: 2/11/2010-A. W.,P. & W.

Calendar: 4/27/2010 9 a.m. - State Capitol, Room 437 ASSEMBLY WATER, PARKS AND WILDLIFE, HUFFMAN, Chair

Summary: Would declare legislative intent to reimburse up to 75% of those described costs until July 1, 2013, and on and after that date, to reimburse up to 50% of those described costs. This bill contains other related provisions and other existing laws.

Position	Assigned
NAR	Curt

SB
934 **(Cogdill R) Water Resources: The California Water Plan.**

Location: 2/18/2010-S. RLS.

Summary: Under existing law, the Department of Water Resources operates the State Water Project and exercises specified water planning functions. Existing law requires the department to update The California Water Plan, which is a plan for the conservation, development, and use of the water resources of the state, every 5 years. This bill would make technical, nonsubstantive changes to these provisions.

Position	Assigned
Watch	Curt

SB
942 **(Dutton R) Regulations: review process.**

Last Amend: 4/5/2010

Location: 4/5/2010-S. G.O.

Calendar: 4/13/2010 9:30 a.m. - John L. Burton Hearing Room (4203)
SENATE GOVERNMENTAL ORGANIZATION, WRIGHT, Chair

Summary: Would establish an Economic Analysis Unit within the office. The bill would require agencies to make publicly available and submit to the unit specified cost estimates that pertain to a proposed regulation and specified information used to develop the cost estimates, as prescribed. The bill would require the unit to review final revised cost estimates for regulations that the agency determines to have a cost estimate of \$50,000,000 or more. The bill also authorizes a stakeholder to petition the director of the office to direct the unit to review a regulation that does not meet the \$50,000,000 cost estimate threshold. The bill requires the unit to approve or reject the cost estimates of regulations that it reviews, as specified. This bill contains other related provisions.

Position	Assigned
NAR	Curt

SB
1013 **(Denham R) Safe, Clean, Reliable Water Supply Act: Central Valley Project Improvement Program.**

Location: 2/18/2010-S. RLS.

Summary: The Safe, Clean, Reliable Water Supply Act, a bond act approved by the voters as Proposition 204 at the November 5, 1996, statewide general election, authorizes the issuance and sale of a total of \$995,000,000 in general obligation bonds. The act continuously appropriates \$93,000,000 of the proceeds from the sale of those bonds to the Controller for allocation to the

Department of Fish and Game or the Department of Water Resources to pay the state's share of the costs for fish and wildlife restoration measures required pursuant to the federal Central Valley Project Improvement Act and specified administrative costs of the Department of Fish and Game and the Department of Water Resources. This bill would make technical, nonsubstantive changes to those provisions.

Position	Assigned
Watch	Curt

SB **(Denham R) Safe Drinking Water, Clean Water, Watershed Protection, and Flood**
1014 **Protection Bond Act: groundwater storage projects.**

Location: 2/18/2010-S. RLS.

Summary: The Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act (bond act), approved by the voters as Proposition 13 at the March 7, 2000, statewide primary election, authorizes the issuance and sale of a total of \$1,970,000,000 in general obligation bonds. The bond act requires that \$630,000,000 of the proceeds from the sale of those bonds be allocated for purposes of water supply reliability projects. Existing law authorizes the Department of Water Resources, upon appropriation by the Legislature, to use \$200,000,000 from the moneys allocated for water supply reliability projects for purposes of providing grants for groundwater storage projects that produce water supply benefits for local agencies and water users. The bond act defines various terms for these purposes. This bill would make technical, nonsubstantive changes to those definitions.

Position	Assigned
Watch	Curt

SB **(Wolk D) Recycled water.**
1173

Last Amend: 3/24/2010

Location: 3/24/2010-S. E.Q.

Calendar: 4/19/2010 Upon adjournment of session - Room 112 SENATE ENVIRONMENTAL QUALITY, SIMITIAN, Chairman

Summary: Would define raw water for purposes of the act. This bill contains other related provisions and other existing laws.

Position	Assigned
Watch	Curt

SB **(Kehoe D) Water: unreasonable use.**
1234

Location: 3/4/2010-S. N.R. & W.

Summary: Would require the board, by January 1, 2012, to adopt regulations to identify unreasonable uses of water during various periods of water shortage, as specified, and would set forth related legislative findings and declarations.

Position	Assigned
Watch	Curt

SB **(Wright D) State agencies: regulation adoption requirements.**
1351

Last Amend: 4/5/2010

Location: 4/5/2010-S. G.O.

Calendar: 4/13/2010 9:30 a.m. - John L. Burton Hearing Room (4203)
SENATE GOVERNMENTAL ORGANIZATION, WRIGHT, Chair

Summary: Would if the required technology or equipment is not commercially available on the effective date of a regulation, prohibit an agency from enforcing a violation of the regulation until

at least 6 months after the technology or equipment becomes commercially available and the agency posts that information, as specified. This bill contains other related provisions.

Position	Assigned
NAR	Curt

SB
1443 **(Simitian D) Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force.**

Location: 3/11/2010-S. N.R. & W.

Calendar: 4/13/2010 9:30 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, PAVLEY, Chair

Summary: Would change the date on which the report is required to be submitted to January 1, 2013. The bill would provide that the task force shall cease to exist on January 1, 2013, or upon the submission of the report, whichever is earlier. The bill would change the repeal date of these provisions to January 1, 2013.

Position	Assigned
NAR	Curt

SB
1450 **(Simitian D) Water: Delta Stewardship Council: contracts.**

Last Amend: 3/23/2010

Location: 3/25/2010-S. N.R. & W.

Calendar: 4/13/2010 9:30 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, PAVLEY, Chair

Summary: Would provide that a contract made or entered into by the department is not binding on the council unless the contract is approved by the council. This bill contains other existing laws.

Position	Assigned
Neutral	Curt

SB
1468 **(Padilla D) Sacramento-San Joaquin Delta.**

Location: 3/11/2010-S. RLS.

Summary: Would state legislative findings and declarations relative to the development of the Bay Delta Conservation Plan and the activities of the Delta Vision Blue Ribbon Task Force and the Delta Vision Committee.

Position	Assigned
Watch	Curt

SB
1469 **(Simitian D) Sacramento-San Joaquin Delta: State Water Resources Development System: water quality.**

Last Amend: 3/23/2010

Location: 4/5/2010-S. N.R. & W.

Calendar: 4/13/2010 9:30 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, PAVLEY, Chair

Summary: Would require the department, by January 1, 2012, to identify all parties, including public and private parties, that benefit from waters originating in the Sacramento-San Joaquin Delta watershed and whose activities impact the Delta watershed. The bill would also require the department, by that date, to develop a process for determining the degree of responsibility attributable to each of the identified parties for physical and environmental impacts on the Delta. This bill contains other related provisions and other existing laws.

Position	Assigned
----------	----------

Watch

Curt

**SB (Committee on Natural Resources and Water) Water conservation: urban water
1478 management.**

Last Amend: 4/5/2010

Location: 4/5/2010-S. N.R. & W.

Calendar: 4/13/2010 9:30 a.m. - Room 112 SENATE NATURAL RESOURCES AND WATER, PAVLEY, Chair

Summary: Would grant the extension for adoption of an urban water management plan that is due in 2010 to an urban wholesale water supplier to permit coordination between an urban wholesale water supplier and urban retail water suppliers . The bill would revise the requirements that apply to an urban retail water supplier that supplies water to that described military installation by requiring the supplier to consider the prior water conservation of that military installation for the purpose of preparing that implementation plan. This bill contains other existing laws.

Position

Assigned

Watch

Curt

**SBX8 (Wolk D) Water supply reliability, flood control, water resources management, and wildlife
45 preservation.**

Location: 3/15/2010-S. DEAD

Summary: with regard to those bond funds, would appropriate \$569,900,000 to be allocated as follows: of the funds made available pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006, \$200,000,000 to the Department of Water Resources for flood protection projects and \$70,000,000 to the department for grants for stormwater flood management projects; and, of the funds made available pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, \$250,000,000 to the department for integrated regional water management grants and expenditures for programs and projects to increase local water supply reliability, \$9,900,000 to the department to implement specified urban and agricultural water management planning and water demand reduction programs, \$32,000,000 to the department for flood control projects in the Sacramento-San Joaquin Delta designed to reduce the potential for levee failures, and \$8,000,000 to the Wildlife Conservation Board for grants to local agencies to implement, or assist in the establishment of, specified natural community conservation plans. This bill contains other related provisions and other existing laws.

Position

Assigned

Defer

Curt

List of Attachments

Attachment 1 – AB 2092

Contact

Curt Miller Phone:
Legislative Director

(916) 445-0134

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2092

Introduced by Assembly Member Huffman

February 18, 2010

An act to add Sections 85215 and 85216 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2092, as amended, Huffman. Delta Stewardship Council: ~~Planning~~ *planning* and administration: fee.

Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. The council is required, on or before January 1, 2012, to develop, adopt, and commence implementation of a comprehensive management plan for the Sacramento-San Joaquin Delta (Delta Plan), meeting specified requirements.

This bill would require the council to adopt a fee on water supply contractors of the State Water Project and the federal Central Valley Project to fund a portion of ~~the planning and administrative~~ *specified* costs of the council. The fee would be based on a reasonable estimate of the benefits received by the contractors of the State Water Project and the federal Central Valley Project from ~~the council's planning and administrative~~ *activities associated with those costs*. The State Board of Equalization would begin collecting the fee on July 1, 2011, and would be required to deposit the proceeds into the Delta Stewardship Council Planning Fund, which the bill would create. Moneys in the fund would be available to fund ~~the council's planning and administrative~~ *specified costs of the council*, and the costs of the State

Board of Equalization incurred in collecting the fee, upon appropriation by the Legislature. *The council would be required to ensure that the fee does not result in the creation of more than \$_____ in revenue, and the fee could be imposed only until July 1, 2014.*

The bill would require the council to also develop a long term financing plan to pay for the costs of implementing the Delta Plan ~~that identifies the benefits to public and private persons and groups and allocates program costs based on those benefits.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 85215 is added to the Water Code, to
2 read:
3 85215. (a) By March 31, 2011, the council shall adopt a fee
4 on water supply contractors of the State Water Project and the
5 federal Central Valley Project to fund a portion of ~~the planning~~
6 ~~and administrative costs of the council.~~ *all of the following costs*
7 *incurred from July 1, 2010, until July 1, 2013:*
8 (1) *The cost to develop and adopt the Delta Plan.*
9 (2) *The cost to develop and adopt the long-term financing plan*
10 *required by Section 85216.*
11 (3) *The annual administrative costs of the council, not including*
12 *the costs of grants or research projects.*
13 (b) ~~The fee imposed adopted~~ pursuant to subdivision (a) shall
14 be based on a reasonable estimate of the benefits received by the
15 contractors of the State Water Project and the federal Central
16 Valley Project from ~~the council's planning and administrative~~
17 ~~activities~~ *activities associated with the costs described in*
18 *paragraphs (1) to (3), inclusive, of subdivision (a).*
19 (c) *The council shall ensure that the fee adopted pursuant to*
20 *subdivision (a) does not result in the creation of more than _____*
21 *dollars (\$_____) in revenue, and the fee shall be imposed only until*
22 *July 1, 2014.*
23 (d) *The council shall develop and adopt the fee through an open*
24 *and transparent process, that includes no fewer than two public*
25 *hearings.*
26 (e)

(e) The State Board of Equalization shall begin collecting the fee adopted pursuant to subdivision (a) on July 1, 2011. The proceeds shall be deposited by the State Board of Equalization into the Delta Stewardship Council Planning Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available to fund the ~~council's planning and administrative costs~~ *costs described in paragraphs (1) to (3), inclusive, of subdivision (a),* and the costs of the State Board of Equalization incurred in collecting the fee, upon appropriation by the Legislature.

SEC. 2. Section 85216 is added to the Water Code, to read:

85216. ~~By January 1, 2012~~ *(a) By January 1, 2013, the council shall develop a long term financing plan to pay for the costs of implementing the Delta Plan that identifies the benefits to public and private persons and groups and allocates program costs based on those benefits. The Plan. The financing plan shall identify and evaluate the benefits to all groups resulting from the implementation of the Delta Plan, including, but not limited to, all of the following:*

(1) The public.

(2) Urban and agricultural water users diverting water in the Delta.

(3) Urban and agricultural water users diverting water in the Bay-Delta tributaries and watershed.

(4) Delta landowners, including, but not limited to, reclamation districts and public and private landowners, and building and transportation interests.

(5) Delta recreational users.

(6) Wastewater dischargers.

(7) Commercial fishing.

(b) The financing plan shall allocate program costs based on the benefits identified in subdivision (a). The plan shall include fee proposals to create revenues to pay for the private benefits associated with implementation of the Delta Plan. ~~The~~ The council shall not adopt a fee pursuant to this section unless a statute is enacted that authorizes the council to adopt a fee pursuant to this section.

(c) The council shall report to the Legislature regarding the plan adopted pursuant to this section after adoption of the plan.

O

Proposed Procedures for Delta Stewardship Council Meetings

Requested Action: This action would adopt procedures for Delta Stewardship Council meetings. It is consistent with meeting procedures adopted by other state boards and commissions, and reflective of meeting procedures adopted by various county boards of supervisors.

Recommendation

In order to provide for the orderly and effective conduct of meetings of the Council, staff recommends that the Council adopt the following resolution:

“The Delta Stewardship Council hereby adopts as its meeting procedures, the attached “Procedures for Delta Stewardship Council Meetings.””

Background

Chapter 1 (commencing with Water Code section 85200) and Chapter 2 (commencing with Water Code section 85210) of Part 3 of the Sacramento-San Joaquin Delta Reform Act of 2009, establish the Delta Stewardship Council as an independent agency of the state, and provide for its mission, duties, and responsibilities. The Council is required to meet monthly in a public forum (85200(f)), and is subject to specified quorum and voting requirements in order to transact business (85210.5). The Council has the power to adopt regulations or guidelines as needed to carry out its powers and duties (85210(i)).

At the April 1, 2010, Council meeting, the members were provided the Proposed Procedures for the Delta Stewardship Council Meetings for their review. The attached Procedures have been finalized with a minor change under Time and Place of Regular Meetings - the location of the regular meetings has been changed to the Secretary of State’s Auditorium.

Fiscal Information

Not applicable

List of Attachments

Attachment 1 - Proposed Procedures for Delta Stewardship Council Meetings

Contact

Chris Stevens
Chief Counsel

Phone: (916) 445-0441

PROCEDURES FOR DELTA STEWARDSHIP COUNCIL MEETINGS

1. **Purpose:** These procedures are adopted for the purpose of providing for the orderly and effective conduct of meetings of the Delta Stewardship Council (Council).
2. **Open Meetings:** All meetings of the Council will be conducted in accordance with the Bagley-Keene Open Meeting Act (Government Code Sec. 11120 et seq.). Meetings of the Council will be open to the public, except for such closed sessions as authorized by that act (e.g., personnel decisions, pending litigation). Meetings will be webcast (and then archived on the Internet) or otherwise recorded electronically, subject to available funding and the proper functioning of equipment.
3. **Time and Place of Regular Meetings:** Unless otherwise specified, the Council will meet regularly, on the fourth Thursday and Friday of every month, at the Secretary of State's Office Auditorium at 1500 11th Street, Sacramento, California. At least two regular meetings will take place at an alternate location within the boundaries of the legal Delta or Suisun Marsh.
4. **Special and Emergency Meetings:** Under certain limited circumstances necessitating immediate action, as specified in the Bagley-Keene Act, the Council may convene a special or an emergency meeting in accordance with that act.
5. **Hearings:** The Council may hold hearings in all parts of the state necessary to carry out the powers vested in it, and for these purposes, has certain powers conferred upon the heads of state departments specified in law (Government Code Sec. 11180 et seq.). Any hearing by the Council may be conducted by any member, or other designee, upon authorization of the Council, and he or she will have all powers duly granted to the Council under law, provided that any final action of the Council will be taken by a majority vote of the membership of the Council at a regular meeting.
6. **Teleconference Meetings:** The Council may conduct audio or audio/visual teleconference meetings in accordance with the Bagley-Keene Act. When a teleconference meeting is held, each site that includes a member of the Council must be listed on the agenda and accessible to members of the public; all proceedings must be audible; and votes must be taken by roll call. The Council may also provide members of the public with additional locations from which the public may observe or address the Council by electronic means.
7. **Quorum/Voting:** A majority of the voting members of the Council will constitute a quorum for the transaction of the business of the Council. A majority vote of the voting membership is required to take action with respect to any matter. The vote of each member will be individually recorded. The board will not transact the business of the Council if a quorum is not present at the time a vote is taken; however, board members constituting less than a quorum may meet as a committee of the board and submit their recommendations to the board when a quorum is present.

8. **Election and Duties of Chair/Vice Chair:** Council members will elect a Chair and a Vice Chair from among the membership, each of whom will serve for not more than four years in that capacity. The Chair will preside over all meetings of the Council, maintain orderly procedure in accordance with these procedures and applicable law and decide questions of procedure subject to appeal to the full membership. The Chair may vote on all matters before the Council, may participate in discussions relating to any matter, and may second any motion without relinquishing the chair. In the Chair's absence or inability to act, the Vice Chair shall preside.
9. **Attendance/Duties of Executive Officer, Chief Counsel, and Assistant to Council:** The Executive Officer, or an appropriate designee, will attend all meetings of the Council, and be prepared to advise the Council on all matters coming before it and for implementing all actions taken by the Council. The Chief Counsel, or an appropriate designee, will attend all meetings of the Council, and will act as parliamentarian and be prepared to advise the Council on questions of law. The Assistant to the Council, or an appropriate designee, will attend all meetings of the Council, facilitate orderly public comment through the use of speaker request forms, and maintain a full and complete record of all meetings and the vote of each member as required by law and these procedures.
10. **Required Notice/Agendas:** The Assistant to the Council will ensure that notices of regular meetings, along with agendas that sufficiently describe the items of business to be transacted or discussed, are posted on the Internet and mailed, as appropriate, at least 10 days in advance of the meeting. The Executive Officer will prepare agendas for the Council, working closely with the Chair and other members, and with the Chief Counsel, regarding closed session items. Action items of a routine nature may be bundled together as a single consent calendar item; provided that any member may remove any item from the consent calendar, to be discussed and voted upon separately at an appropriate place in the agenda determined by the Chair, and the Council will then approve the remainder of the consent calendar. At the discretion of the Council, all items appearing on the agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action by the Council. A public comment period will be included at the end of each agenda, during which time, members of the public may address the Council—subject to reasonable time limits set by the Chair-- on matters within its jurisdiction, but not listed for action or discussion on that agenda. Items may not be added to a posted agenda, except in limited circumstances necessitating immediate action, as specified in the Bagley-Keene Act.
11. **General Format for Agenda Item Discussion at Meetings:** (A) The Council will discuss agenda items in sequential order; provided that the Chair may take items out of sequential order to accommodate the public or expedite the conduct of the meeting; (B) The Chair will clearly announce the agenda item number and state what the subject is; (C) the Chair will then invite the appropriate persons to report on the item, including any recommendations they may have; (D) the Chair will ask members if they have any technical or other clarifying questions regarding the item; (E) the Chair will invite public comments on the item, and, if numerous

members of the public wish to speak (as indicated by the number of speaker request forms submitted), may limit the time of each public speaker; (F) the Chair will invite a motion for the members, and announce the name of the member who makes the motion; (G) the Chair will determine if any member wishes to second the motion, and will announce the name of the member who seconds the motion. The Chair, in his or her discretion, may decide to proceed with consideration and a vote on the motion even when there is no second; (H) If the motion is made and seconded, the Chair will make sure that all members understand the motion; (I) the Chair will then invite discussion of the motion by the members; (J) the Chair will then take a vote, announce the results, and state what action (if any) the Council has taken.

12. Overruling the Chair: A decision of the Chair with respect to the interpretation or applicability of these procedures may be overruled by a majority vote of the membership of the Council.

13. Robert's Rules: If these procedures or the law do not clearly address a specific procedural situation, the Chair may refer to the current edition of Robert's Rules of Order for guidance.

**2010 Meeting Schedule
for the
Delta Stewardship Council**

Thursday, May 27, 2010
Friday, May 28, 2010

Thursday, June 24, 2010
Friday, June 25, 2010

Thursday, July 22, 2010
Friday, July 23, 2010

Thursday, August 26, 2010
Friday, August 27, 2010

Thursday, September 23, 2010
Friday, September 24, 2010

Thursday, October 28, 2010
Friday, October 29, 2010

November ??

December ??

Conflict of Interest Code Rulemaking

Requested Action: Direct staff to initiate the rulemaking process for the adoption of a conflict of interest code for the Council.

Recommendation

Staff recommends that the Council adopt the following pursuant to Water Code Section 85210(i).

The Delta Stewardship Council hereby directs staff to initiate the rulemaking process pursuant to the Administrative Procedure Act for adopting a conflict of interest code for the Council in order to meet the requirements of the Political Reform Act.

Background

As discussed as an informational item at the April 1, 2010, meeting (Agenda Item 7c), the State Political Reform Act requires state and local government agencies to adopt a conflict of interest code within six months after they come into existence (Government Code Section 87300 et seq.). As a new state agency, the Council must comply with this requirement.

Based upon the organizational chart presented at the April 1st meeting, staff has prepared the attached draft conflict of interest code for the Council's consideration. The draft code lists the positions within the Council that will be required to file statements of economic interest (Form 700) and lists the types of disclosures by category that will be required in those statements. It is based on the requirements of the Political Reform Act and the Fair Political Practices Commission (FPPC), which must approve each state agency's adopted conflict of interest code. Also attached is a copy of FPPC regulation, section 18730, which contains the terms of a standard conflict of interest code (as well as relevant gift and loan limitations, honoraria prohibitions, and disqualification provisions), and is designed to be incorporated by reference in an agency's code.

Upon direction of the Council, staff will begin the formal rulemaking process by filing required forms and documents, including notice of proposed rulemaking, with the Office of Administrative Law. The Office of Administrative Law reviews proposed agency regulations for compliance with the rulemaking requirements of the Administrative Procedure Act (APA, Government Code, Section 11340 et seq.). Consistent with FPPC rulemaking procedures, staff will also provide the proposed code to affected employees

for their review and establish a 45-day written comment period for public comment. Following close of the comment period, the code must be adopted by the Council and then forwarded to the FPPC, which must formally approve it before it can become effective.

A summary of conflict of interest code adoption procedures is attached.

Fiscal Information

Not applicable

List of Attachments

Attachment 1 – Draft Conflict of Interest Code and FPPC Regulation Sec. 18730
Attachment 2 – Conflict of Interest Code Adoption Procedures

Contact

Chris Stevens	Phone:	(916) 445-0441
Chief Counsel		

DELTA STEWARDSHIP COUNCIL

CONFLICT-OF-INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are attached hereto as Attachment "A" and incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the **Delta Stewardship Council (Council)**.

Individuals holding designated positions shall file their statements of economic interests with the **Council**, which will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008.) Upon receipt of the statements for the Members of the Board and Executive Officer of the Council, the **Council** shall make and retain copies and forward the originals to the **Fair Political Practices Commission**. All other statements will be retained by the **Council**.

DELTA STEWARDSHIP COUNCIL CONFLICT-OF-INTEREST CODE

Appendix A Designated Positions

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chair and Board Members	1
Assistant to the Chair	1
Executive Officer	1
Chief Deputy Executive Officer	1
Deputy Executive Officer	1
Chief Counsel	1
Legislative Director	1
Lead Scientist	1
IEP Lead Scientist	1
Member, Independent Science Board	1
Chief Information Security Officer	2
Staff Services Manager I	2
Staff Services Manager II (Accounting, Budgets & Contracts)	1
Staff Services Manager II (Business Services, HR & IT)	1
Staff Services Manager III (Assistant Executive Officer)	1
Information Officer	1
Program Manager I	2
Program Manager II	1
Program Manager III	1
Environmental Program Manager	2
Supervising Engineer	2
Consultant	*

*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Officer may determine in writing that a particular consultant, although a “designated person,” is hired to perform a range of duties that is limited in scope and, thus, is not required to comply fully with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Section 81008.)

**DELTA STEWARDSHIP COUNCIL
CONFLICT-OF-INTEREST CODE**

**Appendix B
Disclosure Categories**

Category 1

Every person in this category must report: All interests in real property in the State of California, as well as investments, business positions in business entities, and sources of income, including gifts, loans and travel payments.

Category 2

Every person in this category must report:

All interests in real property located within or not more than two miles outside the boundaries of the Delta, as defined by Water Code Section 85058.

All investments, business positions in business entities, and sources of income, including gifts, loans and travel payments, from entities of the type that provide services, supplies, materials, machinery or equipment of the type utilized by the Delta Stewardship Council, including, but not limited to, environmental documents such as environmental impact reports, environmental assessments, engineering reports, geologic or hydrologic evaluations, and biological assessments, as well as entities of the type that receive grants or loans from, through, or upon the recommendation of, the Delta Stewardship Council.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been

determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to

have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from

any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control.

This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

- 1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
 - 2. A loan that would otherwise not be a gift as defined in this title.
 - 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
 - 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action.
- Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

1Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and

verified by the designated employee as if it were an original. See Government Code section 81004.

2See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).

Certificate of Compliance included.

2. Editorial correction (Register 80, No. 29).

3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter
(Register 81, No.2).

4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter
(Register 83, No. 5).

5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter
(Register 83, No. 46).

6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).

7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).

8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed
8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and
amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).

10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93;
operative 2-4-93 (Register 93, No. 6).

11. Change without regulatory effect adopting Conflict of Interest Code for California Mental
Health Planning Council filed 11-22-93 pursuant to title1, section 100, California Code of
Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.

12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4 filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

CONFLICT OF INTEREST CODE ADOPTION PROCEDURES

ADOPTION OF CODE WITHIN 6 MONTHS OF CREATION OF AGENCY

- 1) Prepare an initial proposed code (once organization chart is developed/ratified by Board)
- 2) Prepare a notice of intention to adopt a conflict of interest code, which either schedules a public hearing or establishes a written comment period

Board action directing staff to initiate rulemaking proceedings

- 3) File a copy of notice with Office of Administrative Law (OAL) for publication in the California Notice Register at least 60 days before the public hearing or close of comment period
- 4) File an endorsed copy by OAL with FPPC at least 45 days before public hearing or close of written comment period
- 5) Provide notice pursuant to Government Code section 87311, including a copy of notice to each employee of agency affected by proposed code at least 45 days before public hearing or close of comment period by serving employees individually, posting notice on employee bulletin boards, or by publishing notice in employee newsletter
- 6) Make the proposed code available for inspection and copying to interested persons for at least 45 days prior to public hearing or close of comment period
- 7) Accept written comments from interested persons through conclusion of public hearing or close of comment period
- 8) Conduct public hearing on proposed code if scheduled or otherwise requested by an interested person

Board action adopting final proposed code and directing transmittal to FPPC for approval

- 9) Transmit final proposed code in strikeout/underline to FPPC accompanied by:
 - a) Declaration of Chief Executive Officer
 - b) Summary of any hearing held by agency
 - c) Copies of all written submissions made to agency regarding proposed code

- d) Written explanation of reasons for designations and disclosure responsibilities of officers, employees, members or consultants of agency
- e) Names and addresses of all persons who participated in any public hearing on the proposed code and to all persons who requested notice from agency of the date of the Commission hearing on the adoption of the code
- f) Current organizational chart of agency
- g) Job descriptions for all designated employees
- h) Copy of statutory authority under which agency was created with specific citations to provisions setting forth duties and responsibilities of agency
- i) Identity of the person to whom the agency reports
- j) Copy of last annual or regular report prepared by agency, or if there is no report, copies of recent minutes of agency meetings
- k) Brief description of duties and terms of all consultants working with agency who are not designated employees
- l) FPPC Executive Director shall either
 - (1) Prepare a notice which specifies written comment period and date which written comments must be received in order for them to be considered and send notice to all persons who have requested notice at least 45 days before the hearing; or
 - (2) Return proposed code to agency with written recommendations for revision. If an agency objects to the recommendations for revision, a hearing may be requested before the FPPC.
- m) If no hearing is requested as set forth above, FPPC Executive Director at end of 45 day written comment period shall either approve the code or return the code to agency for revision.
- n) If hearing is requested, the FPPC shall approve the proposed code, revise the proposed code and approve it as revised or direct FPPC Executive Director to return proposed code to agency for revision and resubmission within 60 days.
- o) If code approved, the FPPC Executive Director shall return copy of code or amendment to agency with notification of FPPC approval
- p) Code as approved by FPPC shall be transmitted within 30 days by agency to OAL, which shall file code promptly with Secretary of State without further review

q) Code becomes effective on 30th day after date of filing with Secretary of State

r) Code shall be maintained in office of Chief Executive Officer of agency and made available for inspection and copying during business hours. FPPC will also maintain a copy at their offices

DELTA STEWARDSHIP COUNCIL - DELTA SCIENCE PROGRAM April 22-23, 2010



Interim Lead Scientist Report – Cliff Dahm

- **Delta ISB Appointments**– An email was sent on April 15 to solicit applications for the Delta Independent Science Board (Delta ISB). In addition, Interim Lead Scientist Cliff Dahm is working with Chair Isenberg and Chair of the previous ISB, Jeff Mount, to identify and contact qualified applicants. A list of Delta ISB nominees will be presented for approval at the May Council meeting. Initial tasks of the Delta ISB will include the search for the next Delta Lead Scientist and review of the draft BDCP document.
- **Hydrodynamic Modeling** – With the addition of Chris Enright, an expert in the hydrodynamics of the Delta and Suisun Marsh, to the Delta Science Program staff, efforts have been re-invigorated to provide coordination among the modelers working on Bay-Delta planning efforts. The Delta Science Program will help to implement short-term data collection and modeling needs and find support for longer-term modeling needs identified by the local modeling community.
- **VAMP Report** – An independent review panel report is expected in early May to provide recommendations to the State Water Resources Control Board from the Vernalis Adaptive Management Plan (VAMP) review that took place in March. VAMP is a multi-year study designed to assess salmon movement through the lower San Joaquin River and the Delta and to test the effects of flow and exports on survival.
- **Development of Unified Monitoring Framework** – Previous Lead Scientist Sam Luoma is leading a team of experts to develop a framework and strategic plan for a unified monitoring, assessment and reporting program for the Bay-Delta system. The proposed program will track implications of water on environmental management decisions (indicators), coordinate data from various monitoring efforts, and assure ongoing interpretation and regular reporting of changes in the system.

Delta Science Program 2010 Focused Proposal Solicitation Package for Research Grants

Summary: As stated in the Sacramento-San Joaquin Delta Reform Act of 2009, the mission of the Delta Science Program is to provide the best possible unbiased scientific information to inform water and environmental decision-making in the Delta. The mission is carried out in part through funding research on high priority research topics to inform policy and management. Interim Delta Lead Scientist Cliff Dahm seeks the approval of the Council for the 2010 Focused Proposal Solicitation Package (PSP) that will fund research proposals in four topic areas developed by stakeholder discussions on research needs for the Delta. The approval of the Council will enable the Delta Science Program to set a deadline for proposal submittal and complete the solicitation process.

Requested Action: Council approval of the Delta Science Program 2010 Focused Proposal Solicitation Package (PSP) guidelines, as presented at the April 1, 2010, meeting of the Delta Stewardship Council.

Background

As stated in the Sacramento-San Joaquin Delta Reform Act of 2009, the mission of the Delta Science Program is to provide the best possible unbiased scientific information to inform water and environmental decision-making in the Delta. The mission shall be carried out through funding research, synthesizing and communicating scientific information to policymakers and decision makers, promoting independent scientific peer review, and coordinating with Delta agencies to promote science-based adaptive management.

Pending the approval of the Delta Stewardship Council (Council), the Delta Science Program is seeking to invest grant funding in projects that will fundamentally advance the understanding of the complex environments/systems within the Council's jurisdiction to aid policymakers and resource managers. The Delta Science Program has identified up to \$8 million from Proposition 84 for the grants, obtained through a reimbursable agreement with the Department of Water Resources.

Specifically, the Science Program is soliciting research proposals focused on the following four topics:

1. Native Fish Biology and Ecology
2. Food Webs of Key Delta Species and their Relationship to Water Quality and Other Drivers
3. Coupled Hydrologic and Ecosystem Models
4. Water and Ecosystem Management Decision Support System Development

The four topics in the Priority Research Topic List of this Proposal Solicitation Package (PSP) were developed for the 2009 CALFED Science Program PSP by a Topic Selection Panel comprised of agency representatives, stakeholders, and independent scientists whose combined expertise covered the breadth of Bay-Delta issues and interests (panelist names and affiliations are available through the PSP website at: http://www.science.calwater.ca.gov/psppsp_package_2009.html).

The Delta Science Program 2010 Focused PSP was originally announced in November 2008 as the CALFED Science Program 2009 Focused PSP, with a deadline of early 2009. The deadline was removed in late December 2008 because of the bond freeze resulting from the state's fiscal emergency. The state's current fiscal situation allows for setting of a new deadline for the solicitation, now under the banner of the Delta Science Program within the Delta Stewardship Council rather than the CALFED Science Program within the Natural Resources Agency.

The new deadline for proposals will be set for June 30, 2010. All complete proposals received by the deadline will undergo administrative review (July 2010), external scientific review (July-September 2010), and review by a Final Review Panel (October 2010). The Final Review Panel will make funding recommendations to the Interim Delta Lead Scientist who, following public comment, will make final funding recommendations to the Delta Stewardship Council for approval (October or November 2010).

Fiscal Information

Up to \$8 million of Proposition 84 funds is available for this focused solicitation.

List of Attachments

Attachment 1 - Delta Science Program 2010 Focused Proposal Solicitation Package

Contact

Dr. Clifford Dahm
Interim Delta Lead Scientist

Phone: (916) 445-0463

2010

Delta Science Program

Focused Proposal Solicitation Package



Delta Stewardship Council

SYNOPSIS

Proposal Solicitation Package (PSP) Synopsis

Through the Delta Stewardship Council (Council), the Delta Science Program is seeking to invest grant funding in projects that will fundamentally advance the understanding of the complex environments/systems within the Council's jurisdiction. The geographic area of interest is the Bay-Delta System (Figure 1), which includes California's Sacramento and San Joaquin River watersheds and the San Francisco Bay Estuary with a focus on the Delta and Suisun Marsh (Figure 2).

Specifically, the Science Program is soliciting research proposals focused on the following four topics:

1. Native Fish Biology and Ecology
2. Food Webs of Key Delta Species and their Relationship to Water Quality and Other Drivers
3. Coupled Hydrologic and Ecosystem Models
4. Water and Ecosystem Management Decision Support System Development

Award Information

- Anticipated Type of Award: Grant
- Estimated Number of Awards: Approximately 14 to 18
- Anticipated Total Funding: Approximately \$8 million
- Length of Funding: Up to 3 years

Eligibility Information

Any public agency or nonprofit organization capable of entering into a grant agreement with the State or Federal government may apply. This includes, but is not limited to: (1) local agencies; (2) private nonprofit organizations; (3) tribes; (4) universities; (5) State agencies; and (6) Federal agencies.

Deadline

Proposals will be accepted through June 30, 2010.

Contacts

PSP Submittal Website: <https://solicitation.calwater.ca.gov/>
Proposal Submittal Process Helpline: 916-445-5838 or via email at help@solicitation.calwater.ca.gov

DELTA SCIENCE PROGRAM

2010 FOCUSED PROPOSAL SOLICITATION PACKAGE

TABLE OF CONTENTS

I. Introduction.....	1
A. Overview of the Delta Stewardship Council.....	1
B. Overview of the Delta Science Program.....	1
C. Background of this Proposal Solicitation Package (PSP)	2
Goals of this PSP.....	2
Development of this PSP.....	2
Guiding Documents.....	3
D. Funding for this PSP.....	4
II. Priorities of this Proposal Solicitation Package (PSP).....	5
A. Preamble.....	5
B. Priority Research Topic List.....	6
Topic 1: Native Fish Biology and Ecology.....	6
Topic 2: Food Webs of Key Delta Species and their Relationship to Water Quality and other Drivers	6
Topic 3: Coupled Hydrologic and Ecosystem Models	7
Topic 4: Water and Ecosystem Management Decision Support System Development	8
III. Proposal and Submittal Requirements.....	9
A. Overview	9
B. Eligibility.....	9
C. Confidentiality and Conflict of Interest.....	9
D. How to Submit a Proposal.....	10
E. On-line Application Forms	11
F. Proposal Document Outline and Format.....	13
Proposal Document Outline	13
Proposal Document Format.....	15
G. Collaborative Proposals.....	15
H. Deadline.....	16
IV. Proposal Review and Selection.....	16
A. Review Process Summary and Schedule.....	16
B. Administrative Review.....	16
C. External Scientific Review.....	16
D. Final Review Panel (FRP) Review.....	18
E. Delta Stewardship Council Review and Action.....	18
F. Signed Grant Agreements.....	18

Figures

1. The Bay-Delta System
2. The Delta
3. 2010 Delta Science Program Focused PSP Schedule

Attachment

1. Terms and Conditions for Funded Grants

I. Introduction

A. Overview of the Delta Stewardship Council

On Feb. 3, 2010, the Sacramento-San Joaquin Delta Reform Act of 2009 took effect, creating the new Delta Stewardship Council as an independent state agency tasked with developing the Delta Plan for achieving the coequal goals of providing a more reliable water supply and protecting and restoring the Delta ecosystem (Figures 1 and 2). Under the same legislation, the CALFED Science Program became the Delta Science Program, and the CALFED Independent Science Board became the Delta Independent Science Board, both reporting to the new Council.

The Delta Stewardship Council (Council), which consists of seven members who are to have diverse expertise providing a broad statewide perspective, is tasked with, among other things,:

- Developing a Delta Plan by January 1, 2012 to further the co-equal goals of Delta ecosystem restoration and water supply reliability;
- Determining, upon appeal, consistency of state and local agency actions with the Delta Plan;
- Considering incorporation of the Bay Delta Conservation Plan into the Delta Plan;
- Appointing the Delta Lead Scientist who oversees the Delta Science Program;
- Appointing members of the Delta Independent Science Board which will provide oversight for all scientific efforts in the Delta; and
- Developing performance measures for the assessment and tracking of progress in meeting the objectives of the Delta Plan including Delta ecosystem health and water supply reliability.

The Council assumes from the California Bay-Delta Authority all administrative rights, abilities, obligations and duties.

B. Overview of the Delta Science Program

The long-term goal of the Delta Science Program (Science Program) is to establish a body of knowledge relevant to the Sacramento/San Joaquin Bay-Delta (Bay-Delta) actions and their implications. That body of knowledge, both in perception and reality, must be unbiased, relevant, authoritative, integrated across program elements, and communicated to the scientific community, agency managers, stakeholders, and the public. The mission of the Science Program is to provide the best possible unbiased scientific information to inform water and environmental decision making in the Delta. The mission shall be carried out through funding research, synthesizing and communicating scientific information to policymakers and decision makers, promoting independent scientific peer review, and coordinating with Delta agencies to promote science-based adaptive management. As part of the Council, the Science Program shall assist with development and periodic updates of the Delta Plan's adaptive management program.

C. Background of this Proposal Solicitation Package (PSP)

Goals of this PSP

The PSP is one of several tools the Science Program uses in accordance with its mission and goals to establish unbiased and authoritative knowledge directly relevant to Bay-Delta actions. The goal of this PSP is not to create knowledge for its own sake nor is it to fund routine monitoring or mandated projects. The goal is to invest in knowledge that will fundamentally advance the understanding of the complex environments/systems within the Council's jurisdiction to aid policy-makers and managers. This knowledge must be timely and highly relevant to Bay-Delta decision-making.

This focused PSP will help to achieve this goal by:

1. identifying scientific unknowns of the highest priority to the Bay-Delta community prior to the opening of the PSP;
2. soliciting for and supporting new scientific studies that closely investigate these scientific unknowns;
3. thoroughly analyzing what is learned through unbiased scientific review;
4. clearly articulating what is learned through publications, conferences, workshops, web-sites, and other mechanisms.

Development of this PSP

To accelerate the review process and maximize the use of scarce available funds, the Science Program developed a focused set of research topics targeting Bay-Delta priority issues.

The four topics in the Priority Research Topic List of this PSP were developed by a Topic Selection Panel comprising agency representatives, stakeholders, and independent scientists whose combined expertise covered the breadth of Bay-Delta issues and interests (panelist names and affiliations are available through the PSP website at http://www.science.calwater.ca.gov/psppsp_package_2009.html). To help them define and select these topics, the panel used draft topics developed by the Delta Lead Scientist and the Science Program, public comments received on the draft topics, and information from recent public planning processes and priority management issues. Some of these efforts included:

- Delta Vision Strategic Plan (DVSP)
- Multiple Science Program workshops in support of DVSP:
 - Organic Carbon
 - Delta Conveyance Modeling
 - Science Issues Related to Delta Conveyance Infrastructure
 - Defining a Variable Delta to Promote Estuarine Fish Habitat
- Bay Delta Conservation Plan (BDCP)
- Interagency Ecological Program (IEP) Pelagic Organism Decline (POD) Reports
- Public Policy Institute of California (PPIC) Delta Reports and Related Workshops
- Environmental Water Account (EWA) Reviews

- Operations Criteria and Plan (OCAP) Biological Assessment and Opinions
- Delta Risk Management Strategy (DRMS)

Priority issues were considered in the context of currently funded ongoing research, such as grants from previous Science Program PSPs, the Interagency Ecological Program (IEP) Pelagic Organism Decline (POD) work, and Ecosystem Restoration Program (ERP) funded research. An additional consideration was the minimum two- to three-year time frame for most research projects to yield useful products. Integration and synthesis of available information, models, and interdisciplinary approaches were stressed.

The Priority Research Topic List was open to the public for comment from November 12, 2008 through November 14, 2008 and again from November 21, 2008 through December 3, 2008. The Topic List was approved by the Secretary for Resources on December 5, 2008. (See Figure 3 for a summary of the PSP process and schedule). Public comments and the Science Program response are posted on the Science Program website http://science.calwater.ca.gov/psp/psp_package_2009.html.

Guiding Documents

Project applicants unfamiliar with Science Program goals, objectives, and issues are encouraged to review the documents that guide the Program's activities. These documents and a host of other useful information can be found through the Delta Stewardship Council's website (<http://www.deltacouncil.ca.gov>) and the Science Program website (<http://science.deltacouncil.ca.gov>). Following are some specific documents that will be particularly helpful to applicants wishing to familiarize themselves with broad and specific Science Program issues:

Bay-Delta perspective:

- CALFED Science Program's *State of Bay Delta Science, 2008*:
<http://www.science.calwater.ca.gov/publications/sbds.html>

Bay-Delta issues:

- Delta Vision Blue Ribbon Task Force's Vision & Strategic Plan (DVSP):
<http://deltavision.ca.gov/>
- Science Program support of DVSP:
http://www.science.calwater.ca.gov/delta_vision/dv_index.html
- Science Program Publications:
http://www.science.calwater.ca.gov/publications/pub_index.html
- Bay Delta Conservation Plan (BDCP): <http://resources.ca.gov/bdcp/>
- Pelagic Organism Decline (POD) Reports and Interagency Ecological Program (IEP) Workplans: http://www.science.calwater.ca.gov/pod/pod_index.html
- Delta Risk Management Strategy (DRMS): <http://www.drms.water.ca.gov/>
 - Science Program Review of DRMS Phase 1 Report:
http://www.science.calwater.ca.gov/drms/drms_irp.html

- Delta Regional Ecosystem Restoration Implementation Plan (DRERIP):
http://www.science.calwater.ca.gov/drerip/drerip_index.html or
<http://www.delta.dfg.ca.gov/erpdeltaplan/>
- National Marine Fisheries Service Operations Criteria and Plan (OCAP) Biological Opinion workshops and reviews:
http://www.science.calwater.ca.gov/events/reviews/review_ocap.html
- Environmental Water Account workshop and reviews:
http://www.science.calwater.ca.gov/events/reviews/review_ewa.html

Science Program previously funded efforts:

- Science Program
 - 2004 PSP funded proposals:
http://www.science.calwater.ca.gov/psp/psp_package_2004.html
 - 2006 PSP funded proposals:
http://www.science.calwater.ca.gov/psp/psp_package_2006.html
 - 2007 Supplemental PSP funded proposals:
http://www.science.calwater.ca.gov/psp/psp_package_2007.html

D. Funding for this PSP

Approximately \$8 million is targeted for this focused solicitation from The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Prop 84). Funds have been allocated to the Science Program for these purposes.

II. Priorities of this Proposal Solicitation Package (PSP)

A. Preamble

The Priority Research Topic List was developed by a Topic Selection Panel through the careful consideration of broad Science Program needs and objectives. The geographical area of interest is the Bay-Delta System (Figures 1 and 2). While viewing the Topic List, potential applicants should keep in mind several project aspects the Science Program considers areas of great need that would add high value:

- **Interdisciplinary Projects** — Interdisciplinary studies are crucial to extract the knowledge needed for management to answer extremely complex questions about a correspondingly complex Bay-Delta system, whose issues are inherently interconnected across multiple disciplines of study. Additionally, from a programmatic standpoint, interdisciplinary studies typically cut across multiple Delta Science Program needs, thus maximizing the use of scarce funds.
- **Analysis, Integration and Synthesis of Existing Information** — The Bay-Delta system has a strong history of monitoring and research that has resulted in a wealth of accessible information. However, much of this information remains only partially analyzed. A very cost-effective way to provide Bay-Delta resource managers and policy-makers needed information is to analyze, integrate, and synthesize existing information across data-sets in new ways.
- **Collaborative Proposals** — The Science Program encourages applicants from different institutions to work together on proposals. Collaborative approaches have been identified as a means of strengthening communication among different institutions; this communication can last well beyond the course of a single study and lead to further collaborative projects. Collaborative proposals typically involve applicants and institutions with different strengths and expertise, resulting in stronger interdisciplinary projects.
- **Matching Funds** — Because the Delta Science Program has limited funds, proposals that can demonstrate they will use other funding sources (matching funds, cost sharing, in kind services, etc.) to leverage Science Program funds will have a greater likelihood of being selected over projects that do not have matching funds.

Each of the topics in the Priority Research Topic List (below) comprises two sections:

1. the **need**, i.e. importance and relevance, for the research tied to specific Council programs so that outcomes from the research can be directly tied to a management/policy need;
2. **possible questions** that define some of the unknowns that the research needs to clarify or answer as it relates to the need as stated above.

All proposals must address at least one of the topic needs. Cross-cutting proposals that address more than one topic need and study question are encouraged. Proposals that address a topic need through additional study questions not present in the Topic List are also encouraged because the Science Program wishes to stimulate creative thinking and new ideas. All proposals should address the need as directly and clearly as possible.

B. Priority Research Topic List

Topic 1: Native Fish Biology and Ecology

Need: One of the goals of the Sacramento-San Joaquin Delta Reform Act of 2009 is to provide for sustainable management of the Delta ecosystem. A key element of a healthy ecosystem is protection and recovery of populations of native fishes that depend on the San Francisco estuary. In spite of considerable scientific progress, many uncertainties remain about the basic life history, behavior, and population structure of these fishes, and about the present and potential future factors that affect their distribution and abundance. Focused and innovative basic science investigations are needed to address these uncertainties. This research should be clearly aimed at informing conceptual and numerical modeling applications and management and restoration strategies. Research topics include migration and spawning behavior, feeding and diets, adaptations to local habitats, and physiological tolerances to key environmental stressors in a changing estuary. Fish species of special interest include delta smelt, longfin smelt, sacramento splittail, green and white sturgeon, chinook salmon, and steelhead.

Possible questions to be addressed by this research:

- How do native migratory fishes navigate through the San Francisco estuary? What factors affect their migratory behavior? What are the management implications?
- What is the spawning behavior of native fish species, and where do they spawn? How might climate change and management actions affect spawning?
- What are the physiological tolerances and adaptive traits of native fish species that determine their resilience to existing and emerging stressors?
- How do habitat attributes such as geometry, water flow, temperature, turbidity, contaminants, presence of predators, and food quantity and quality affect abundance and distribution of native fishes in the estuary? Is there evidence for important antagonistic, additive, or synergistic effects of multiple habitat attributes on native fishes?
- How do connectivity between different habitat types and the geographic extent and arrangement of habitats affect the abundance and distribution of native fishes in the San Francisco estuary? What are the implications for management and restoration activities?

Topic 2: Food Webs of Key Delta Species and their Relationship to Water Quality and other Drivers

Need: Food webs in the Bay-Delta have undergone substantial changes in the past few decades. The composition of the biota within these new and emerging food webs needs to be documented and understood more thoroughly. Particularly important are the effects of variable and changing water quality from contaminants, sediments, and nutrient inputs. Of emerging concern are climate change effects on water temperature, salinity, and other water quality parameters that may affect aquatic food webs within the Bay-Delta. Fundamental research is needed to elucidate these inter-dependencies in more detail, yielding information that will inform management actions to protect ecological processes as well as threatened and endangered species, and reduce the impacts of non-native species.

Possible questions to be addressed by the research:

- What are the roles of native and non-native species in primary, secondary, and tertiary production in Bay-Delta food webs?
- How has nutrient and sediment loading into rivers entering the Delta affected aquatic food webs within the main aquatic ecosystems of the Delta?
- What roles do key contaminants and/or nutrients play in determining the structure of aquatic food webs within the Bay-Delta, and to what extent do they quantitatively affect populations of key Bay-Delta species?
- What are other critically important drivers of food webs now and in the near future? For example, how will climate change, increasing human population growth and urbanization, and changes in the local agricultural industry affect water flows, water quality parameters, and critical food webs?

Topic 3: Coupled Hydrologic and Ecosystem Models

Need: Hydrodynamic, sediment, particle tracking, and water quality models need to be coupled with ecosystem models such as those for native species and Bay-Delta and riverine food web dynamics to better inform management planning and operations. Where appropriate, model developers should consider building on existing conceptual and quantitative models. Potential model applications include determining flow requirements for aquatic species and assessing potential outcomes of water management alternatives. Progress is needed in linking models that provide information on discharge, water velocities, flow paths, water quality, residence time, and inundation patterns with ecosystem models that simulate key ecosystem attributes such as nutrient uptake, rates of primary and secondary production, habitat responses to inundation, and fish behavior, growth, and predation. Ecosystem modeling could also be focused on food webs, predator-prey interactions, and nutrient availability effects on production dynamics.

Possible questions to be addressed by the research include:

- How are hydrodynamic conditions, water quality, primary and secondary production, and food web dynamics linked within aquatic ecosystems of the Delta and its tributaries and floodplains?

- What are flow requirements throughout the annual hydrograph for sufficient habitat configuration for native fish species?
- How are habitat requirements for aquatic organisms distributed spatially under different river flow regimes, tidal excursions, alternative water storage and conveyance scenarios, and climate change scenarios?
- How will direct or indirect losses of organisms from export pumping and barrier operations be affected by altered flow regimes, proposed conveyance modifications, or sea level rise projections?

Topic 4: Water and Ecosystem Management Decision Support System Development

Need: The Bay-Delta ecosystem and water managers and policy-makers need tools that translate state-of-the-science understanding of hydrodynamics and ecological functions into effective planning and management. These decision support systems should include visualization components that facilitate the communication of the complexity and interconnectedness of ecological and social systems and allow for assessment of system response to management alternatives along with changing natural conditions. Resource managers need tools to: 1) evaluate the relative merits of alternatives using scientific information developed across a range of temporal and spatial scales; and 2) characterize and explore potentially important ecological and resource allocation trade-offs and the implications of various alternatives. Decision support tools that operate in a desktop mode and that integrate disparate aspects of the system (physical conditions, ecological conditions, socioeconomic factors) to promote more rational and transparent decision-making are particularly desirable. Focused research into the usefulness of particular tools will be helpful, but emphasis will be given to those efforts that integrate emerging tools into a system of effective communication involving managers, scientists, policy-makers, and tool developers.

Possible questions to be addressed by the research include:

- What approaches best translate scientific understanding into policy-relevant information that both policy-makers and scientists will trust?
- What methods can be used to effectively integrate physical and biological information with socioeconomic factors for clear communication to non-scientist decision-makers for use in decision-making under adaptive management?
- What tools best address critical dynamic processes such as river flow, volume, velocity, residence time, water quality, time series, projected changes in flood stage and timing, and flow management options?
- What tools best enable advanced graphic and presentation technologies that enable simultaneous visualization of spatial and temporal variation in multiple physical and biological properties and accurately convey uncertainty?

III. Proposal and Submittal Requirements

A. Overview

Successful proposals are those whose applicants thoroughly and accurately complete the application forms and follow the prescribed format for the proposal document. All proposals must be submitted electronically through the PSP website to be considered for funding; hard copies of proposals will not be accepted. Proposals will be accepted through the website beginning December 18, 2008 through June 30, 2010. Before applying, please make sure you are eligible to receive funds by carefully reading the information below. If you need assistance, please contact the helpline at 916-445-5838 or via e-mail at help@solicitation.calwater.ca.gov.

B. Eligibility

Any public agency or non-profit organization capable of entering into a grant agreement with the State or Federal government may apply. This includes, but is not limited to: (1) local agencies; (2) private non-profit organizations; (3) tribes; (4) universities; (5) State agencies; and (6) Federal agencies. Individuals and private for-profit entities are not eligible for this PSP, and should not apply. The applicant organization must agree to the General Terms and Conditions of Delta Science Program grants (Attachment 1).

C. Confidentiality and Conflict of Interest

Applicants should be aware that the titles and executive summaries of all proposals will be available for viewing on the Science Program website shortly after the solicitation has closed. Comments from the review process may be posted on the website and distributed as part of the public comment process. After the Delta Stewardship Council takes formal action on the final funding recommendations, the complete text of all funded proposals will be posted on the Science Program website. By submitting a proposal, the applicant agrees to waive any right to confidentiality of the proposal.¹ For more information on confidentiality, please contact the PSP helpline.

Both applicants and individuals who participate in reviews of submitted proposals are bound to State and Federal conflict of interest laws. Any individual who has participated in planning or setting priorities for this PSP or who will participate in any part of the grant development and negotiation process on behalf of the public is ineligible to receive funds or personally benefit from funds awarded through this PSP. To help the Science Program manage potential conflicts, applicants should use the PSP Conflict of Interest Form (section III.E. below) to fully disclose individuals who participated in writing or who will benefit from the project if funded. Individuals who have participated in development of this PSP should not submit proposals.²

¹ Although the Science Program will not post proposal documents for unfunded proposals on their website, all submitted proposals, whether funded or not, are considered public documents and are subject to disclosure under California law.

² Failure to comply with these laws, including business and financial disclosure provisions, will result in the proposal being rejected and/or any subsequent grant being declared void. Before submitting a proposal, applicants are urged to seek legal counsel regarding potential conflict of interest concerns that they may have and

Scientific reviewers and individuals participating in review panels are also subject to the same conflict of interest laws. Proposals may be reviewed and discussed by members of the public under public disclosure requirements. Applicants should also be aware that certain State and Federal agencies may submit proposals that will compete for funding. Employees of State and Federal agencies may participate in the review process as scientific/technical reviewers but are subject to the same State and Federal conflict of interest laws.

D. How to Submit a Proposal

Proposals will be considered for funding only when all four steps outlined below have been completed by the application deadline. If you need assistance, you may contact the helpline at 916-445-5838 or via e-mail at help@solicitation.calwater.ca.gov.

1. User Registration

Prior to initiating a proposal, you must complete an online registration process available through the PSP solicitation website at <https://solicitation.calwater.ca.gov>, unless you are already registered. Registration does not obligate the registrant to submit a proposal, but you must be registered to submit your proposal and access detailed PSP information. As part of the registration process, you will choose a user ID and password that will let you access proposal forms and submit your proposal document. Additionally, all Co-Project Investigators must be registered through the website. Registration will also facilitate communication between Science Program staff and project staff.

2. On-line Forms

The application forms available on the website must be completed before your proposal can be considered for funding. Summary information on each form can be found below in section III.E On-line Application Forms of this document. Detailed instructions for completing each form can be found on the forms themselves.

3. Proposal and Budget Composition, Upload, and Verification

Proposals may be prepared using the word processing software of your choice. Proposal documents and detailed budgets must be converted to a PDF prior to uploading to the website. Instructions for conversion of files to PDF and uploading are available through the help section of the PSP solicitation website.

4. Upload or Fax Signature Page

In order for your proposal package to be complete, the PSP signature page must be generated, printed, signed and uploaded to the website. The signature page can be generated and uploaded on the Signature Page Form. The generated document should be printed, signed by the signatory for the applicant organization, and then scanned so that it can be uploaded. Once the signed document has been uploaded, and all other forms of the package are completed, the compiled proposal will be viewable. If scanning facilities do not exist you can fax the document to the number provided on the signature page.

5. Proposal Verification

Once the forms have been completed, and the budget, proposal, and signature page documents have been uploaded to the website, you will be asked to verify that the proposal package is ready for review. To verify, view the “printable” Compiled Proposal and verify that the information represented is accurate. This is the document that will be given to reviewers. If it is correct, please check the “Proposal Complete” box. If it is not correct, please make the necessary adjustments to the forms and then re-compile your proposal for verification. Proposals **must** be verified by the submittal deadline.

Please note, only verified proposals will be reviewed for funding.

E. On-line Application Forms

Summary information on each of the on-line application forms is provided below. Detailed information and instructions can be found on the forms themselves. The forms can be accessed by logging into the PSP solicitation website at <https://solicitation.calwater.ca.gov>. Forms may be completed incrementally; you do not need to complete the process during a single session, and you may therefore provide information over multiple sessions as needed.

The following on-line forms must be completed in order to successfully submit a proposal:

- Project Information and Executive Summary
- Contacts and Project Staff
- Conflict of Interest
- Task and Budget Summary
- Detailed Budget Upload and Justification
- Schedule of Deliverables
- Proposal Document Upload
- Signature Page
- Letters of Support (optional)

Project Information and Executive Summary — This form gathers basic information about the project, and requires you to insert an Executive Summary for your project. The Executive Summary should be a concise and informative stand-alone description of your proposed project.

Contacts and Project Staff — This form provides information on the principal project participants, including consultants, subcontractors, and vendors. This information is linked to and supports other forms, including the Conflict of Interest and Task and Budget Summary forms. All Co-Project Investigators (PIs) must be registered with the website.

Conflict of Interest — This form assists the Science Program in assigning reviewers to avoid conflicts of interest between applicants, co-PI's, or subcontractors and reviewers (see section III.C. Confidentiality and Conflict of Interest for policy details).

Task and Budget Summary — List major tasks and the time to complete them (in months from the date the project's grant agreement is executed), and a budget total for each task. Because funding may be awarded for only a portion of the proposal, you should organize by tasks and subtasks that may be funded separately. The total of all task budgets should equal the total entered in the Project Information form and your uploaded Detailed Budget (described below).

Detailed Budget Upload and Justification — This form comprises three sections:

Section 1. Budget Format and Upload - The first section provides information on what should be included in your detailed budget such as costs and pay rates of personnel, information on subcontractors, benefits, equipment, travel, operating expenses, etc. Use this information to construct a budget in the software of your choice. Some guidance on the budget, such as breaking it down into tasks, is included in this form and required in the format, but many format decisions are left up to you. However, if it is not abundantly clear to reviewers what project costs are commensurate with what efforts and benefits, the proposal may receive a poor review and be denied funding. When you complete your budget, you must convert it to a PDF and upload it to the website. The detailed budget total should exactly match the budget totals in the Task and Budget Summary and the Project Information forms. Projects can be multi-year efforts, but may not exceed three years.

Section 2. Budget Justification - This section allows you to upload a separate budget justification text document, if needed, to fully explain/justify the significant costs represented in the uploaded budget. Alternatively, you can include the justification in your proposal text in a clearly defined budget justification section.

Section 3. Cost Share/Matching Funds - This section provides an opportunity to upload a text document that describes any cost-share or other matching funds to support your proposed project. Dollars provided to the project via cost share/matching funds must also be identified in the proposal text.

Schedule of Deliverables — List key deliverables and the time to complete them (in months from the date the project's grant agreement is executed). The required minimum deliverables are:

- 1- page project summary for public audience at beginning of project
- Semi-annual Progress Reports
- Final Progress Report
- 1- page project summary for public audience upon project completion
- Management Implications of project findings

- Project closure summary report or copy of draft manuscript(s)
- Presentation at Bay-Delta Science Conference
- Presentations at other events at request of Delta Science Program staff
- Copy of all published material resulting from the grant

Proposal Document Upload — This form allows you to upload your PDF version of your proposal document (described below) to the PSP solicitation website.

Signature Page — Your proposal will not be considered complete until a signature page is received. The signature page must be signed by a representative (signatory) of your organization or agency who is authorized to enter into a contractual agreement with the State of California. Print the generated page from the website, have it signed, scan it and upload it to the website. If scanning facilities are not available you can fax it to the number listed on the form. The signed signature page must be uploaded/received by the proposal submittal deadline. This page is used to verify that you intended to submit your proposal and that you agree to the conditions of the grant solicitation and review process.

F. Proposal Document Outline and Format

Proposal Document Outline

The proposal document comprises the written text and images that will be uploaded to the website via the Proposal Document Upload form described above. Successful proposals will be well-written, accurate, and concise. The proposal document should follow the outline below. Make sure all the components within the outline are clearly incorporated and identified in your proposal document to help reviewers evaluate your proposal; a table of contents in the proposal document might facilitate this review process. You should read the Proposal Review and Selection section of this PSP (section IV) prior to writing your proposals to familiarize yourself with the criteria that will be used for proposal evaluation.

1. Project Purpose — Describe the purpose of your project. This section should include:

- the identification of the problem, question(s) or critical unknown(s) that your proposed effort is designed to address;
- your project goals, objectives, and how they relate to the problem, question(s) or critical unknown(s) you propose to address;
- the clearly stated hypothesis you will be testing to achieve your goals and objectives;
- a description of relevant studies or other information that documents the problem and unknowns, substantiates the goals and objectives, and includes the ways this problem has been addressed locally and elsewhere.

2. Background and Conceptual Models — This section should include all necessary background information not covered in the Project Purpose section above. A conceptual model should be provided that clearly explains the underlying basis of the knowledge that will support the proposed work. Models can be presented graphically or as narrative. A description of the project's physical setting, with maps or photographs if appropriate, should be included.

3. Approach and Scope of Work — Describe the approach you will undertake to address your project’s objectives. Include specific information about methods and techniques, equipment and facilities, data collection, statistical analysis and quality assurance procedures as applicable. Provide narrative detail about the tasks and schedule listed on the Task and Budget Summary form (on-line). Clearly indicate which tasks are contingent upon other tasks, and which tasks can be done separately; this information is necessary in case only part of the project is funded. Elaborate on expected deliverables that your project will produce and submit. Deliverables can include presentations, workshops, seminars, educational programs, project summaries, websites, reports, and publications. This section should fully describe the proposed deliverables you list in the Schedule of Deliverables form (on-line). (Some examples of proposal approaches broken down by task are evident in successful proposals from the Science Program 2006 PSP available through the website at: http://www.science.calwater.ca.gov/psp/psp_package_2006.html.)

4. Feasibility — Show how your proposed project is both feasible and appropriate for the proposed work. Demonstrate how the work you’ve outlined in your proposal can be completed within no more than three years given reasonably foreseeable constraints (e.g. weather conditions or permitting). Thoroughly address any contingencies or requirements such as dependence upon the outcome or timing of other projects or programs, upon natural or operational conditions, and upon environmental compliance or permitting processes. Explain the current status of each permit or agreement, as well as any other constraints that could impact the schedule and your ability to complete your project. Describe how project management decisions will be coordinated.

5. Relevance to the Delta Science Program. This section comprises two parts:

Relevance to this PSP — Describe how your proposal directly meets one or more of the needs identified in the Priority Research Topic List of this PSP. Identify all “possible questions to be addressed by the research” from the Topic List that your proposal addresses and incorporates. Summarize other questions your proposal may answer that, although not found in the Topic List, address a need from the Topic List. Describe how your proposal meets other priorities described in section II of this PSP such as the need for synthesis, integration, and collaboration.

Relevance to Delta Science Program Issues Outside this PSP — If applicable, explain how your proposal addresses Science Program needs not mentioned in this PSP. Describe how the project will link back to or complement larger Delta Stewardship Council goals and efforts. Identify any synergistic, Delta-wide benefits, including how your proposal complements projects or programs in other areas within the Bay-Delta system. Explain any relationship between your proposal and any CALFED Bay-Delta Program or Delta Stewardship Council actions or investments.

6. Qualifications — Briefly describe how the participants identified in your Contacts and Project Staff form (on-line) provide the range of experience and expertise needed for your project. (If appropriate, highlight relevant field experience, completed projects, published reports, or other materials not adequately captured in the Contacts and Project Staff form). Specify individual roles and responsibilities for technical, administrative, and project management activities that are not described in the Contacts and Project Staff form. Describe the organizational structure for the staff and other resources. For projects using consultants or subcontractors, briefly describe how

they were selected and why. A subcontractor role exceeding a quarter of the total project budget should be fully explained and clearly justified.

7. Literature Cited — All proposals must include a list of references for all research studies, project reports, scientific reports, or other supporting information cited in the proposal. Reference information should follow accepted scholarly practices.

Proposal Document Format

Keep in mind these formatting considerations in order to successfully upload and submit your proposal document.

Page limits — The proposal text should be no more than 20 pages, excluding literature cited. You may *not* include attachments; it is essential that you present all critical information (including figures and tables) in the body of your proposal.

File size — The help section of the solicitation website includes links to tools to help you manage the size of the file containing the proposal document. Please contact the helpline early if you anticipate submitting a file greater than 10 MB. Large files are difficult to upload and sometimes cannot be viewed readily by reviewers or others who lack high-speed Internet connections.

Format — Body text must be 12 point in a readable typeface; text in tables and figures must be no smaller than 10 point in a readable typeface. Headings must be at least 14 point, but no larger than 18 point, bold typeface, flush left. Page margins must be between three-quarters and one inch on all sides. All proposal pages, including diagrams, must be readable when printed on 8.5 x 11-inch paper.

Submission Format — You must submit your proposal as a PDF file.

Maps, Photographs, Figures, and Tables — Each map, photograph, figure, or table needs to be individually numbered and clearly titled. If you need help in incorporating these graphics into your proposal for submission as a PDF, please ask for assistance by e-mailing us at help@solicitation.calwater.ca.gov

Page Numbering — Each page of the proposal needs to be numbered sequentially.

G. Collaborative Proposals

Grant agreements will be made with only one eligible lead applicant, so the proposal needs to clearly state which organization will sign the agreement. This organization will be responsible for payments, reporting, and accounting. Other collaborators in the project will typically be subcontractors to the lead applicant (organization) but should be identified, if known, in the application forms and proposal document. You must document that the lead institution will be able to execute all subcontracts in a timely manner. Your proposal must explain how the collaboration will work, including how decision-making authority and liability is to be allocated.

Your proposal must also identify the tasks or sub-tasks that will be performed by the different entities. The names of known subcontractors must be identified. When subcontractors are identified, explain briefly how they were selected, and why. (The Science Program is aware that some subcontractors may not be known until after the proposal is selected for funding and subcontracts are put out for competitive bidding, as required by California State law.) You should include the estimated costs of subcontract work and any costs for managing subcontractors in your proposal. A subcontractor role exceeding a quarter of the total project budget should be fully explained and clearly justified.

H. Deadline

The deadline for completing, submitting and verifying your proposal to the solicitation website is 5:00 p.m. Pacific Standard Time on June 30, 2010. Proposals submitted after this time will not be considered. You are strongly advised to submit your proposal well before the deadline; the deadline is firm and will not be extended due to slow connection speeds or last-minute questions that typically occur in the hours preceding the deadline.

IV. Proposal Review and Selection

A. Review Process Summary and Schedule

The proposal review process and schedule, summarized in Figure 3, involves three separate reviews. All complete proposals will undergo administrative review, external scientific review, and review by a Final Review Panel. The Final Review Panel will make recommendations to the Delta Lead Scientist who, following public comment, will make final recommendations on funding to the Delta Stewardship Council for final approval.

B. Administrative Review

Science Program staff will conduct an initial review of proposals to ensure the following:

- all proposal components have been completed by the submission deadline, including all on-line application forms and associated uploaded documents including the proposal document and detailed budget (see section III.D. of this document above);
- proposals are from eligible applicants;
- proposals are responsive to the solicitation's priorities;
- applicants have an acceptable past performance, including effective management of grants previously received from the Science Program.

C. External Scientific Review

Three independent external reviewers will be selected to review each proposal based on their expertise in the subject areas of the proposal. The reviewers will evaluate submissions using a set of criteria that combines classic scientific review questions and elements designed by the Science Program to address common issues. The subject experts will also make overall recommendations to the Final Review Panel as to whether proposals are superior, above average, sufficient, or

inadequate, and explain their recommendations. The external scientific reviewers will thoroughly explain their reviews and base them on the following criteria:

Project Purpose

- Are the goals, objectives, hypotheses, and questions clearly stated and internally consistent?
- Is the idea timely and important? Is the study justified relative to existing knowledge?
- Are results likely to add to the base of knowledge? Is the project likely to generate novel information, methodology, or approaches?

Background

- Is a conceptual model clearly stated in the proposal, and does it explain the underlying basis for the proposed work?
- Is all other information needed to understand the basis for the proposed work included and well documented?

Approach

- Is the approach well designed and appropriate for meeting the objectives of the project?
- Is it clear who will be performing management tasks and administration of the project, and are resources set aside to do so?
- Are products of value likely from the project? Is there a plan for widespread and effective dissemination of information gained from the project? Are contributions to larger data management systems relevant and considered?

Feasibility

- Is the approach fully documented and technically feasible?
- What is the likelihood of success?
- Is the scale of the project consistent with the objectives and within the grasp of the authors?

Budget

- Is it clear how much each aspect of the proposed work will cost, including each task, salaries, equipment, etc.?
- Is the budget reasonable and adequate for the work proposed?
- Are matching funds used to leverage Delta Science Program funds?

Relevance to the Delta Science Program

- How well does the proposal address the priorities stated in the PSP?
- Does the proposal clearly and directly address one or more of the topics in the Priority Research Topic List?
- Does the proposal address other priorities stated in the PSP such as integration, syntheses, use of existing information, collaborations, or multiple disciplines?
- Will the information ultimately be useful to Delta resource managers and policy-makers?

Qualifications

- What is the track record of the authors in terms of past performance?
- Is the project team qualified to efficiently and effectively implement the proposed project?
- Do they have available the infrastructure and other aspects of support necessary to accomplish the project?

Overall Evaluation Summary Rating

- A brief explanation of a summary rating.

D. Final Review Panel (FRP) Review

The role of the FRP is to prepare funding recommendations to the Delta Lead Scientist based on the evaluation of each proposal's technical quality and responsiveness to the PSP priorities. The FRP will consist of technical experts whose expertise spans the range of topics covered by the submitted proposals. The Lead Scientist (or designee) will serve as the non-voting chairman for the panel with primary responsibility for assuring that the discussion is balanced, fair, and comprehensive. The FRP will consider all external reviewer comments in their overall evaluation of the proposals. The result of these discussions will be a panel rating of superior, above average, sufficient, or inadequate, along with clear evaluation statements. The panel's funding recommendations will be based on the quality of the proposal and the amount of available funds. The FRP may also recommend conditions for funding such as modifications of tasks and products. All funding recommendations and reviews will be made available for public comment. No proposals rated inadequate by the panel will be recommended to the Delta Lead Scientist for funding.

E. Delta Stewardship Council Review and Action

Following public comment, the Lead Scientist will make final funding recommendations to the Delta Stewardship Council (Council) for final funding approval. The Council may, at their discretion, recommend and/or award a package of grants determined to be most responsive to the goals and objectives of the Sacramento-San Joaquin Delta Reform Act of 2009.

F. Signed Grant Agreements

The process of finalizing grant agreements will begin as soon as projects are approved by the Council. Depending on the complexity of each project, the institution receiving the funds, and review panel requirements, it will likely take 2 to 6 months to develop and finalize the grant agreements for successful proposals. Applicants shall not commence work on their projects until a funding agreement is fully executed. Work performed prior to the full execution of a funding agreement is done solely at the risk of the applicant and without expectation of reimbursement. General terms and conditions for grants are provided in Attachment 1.

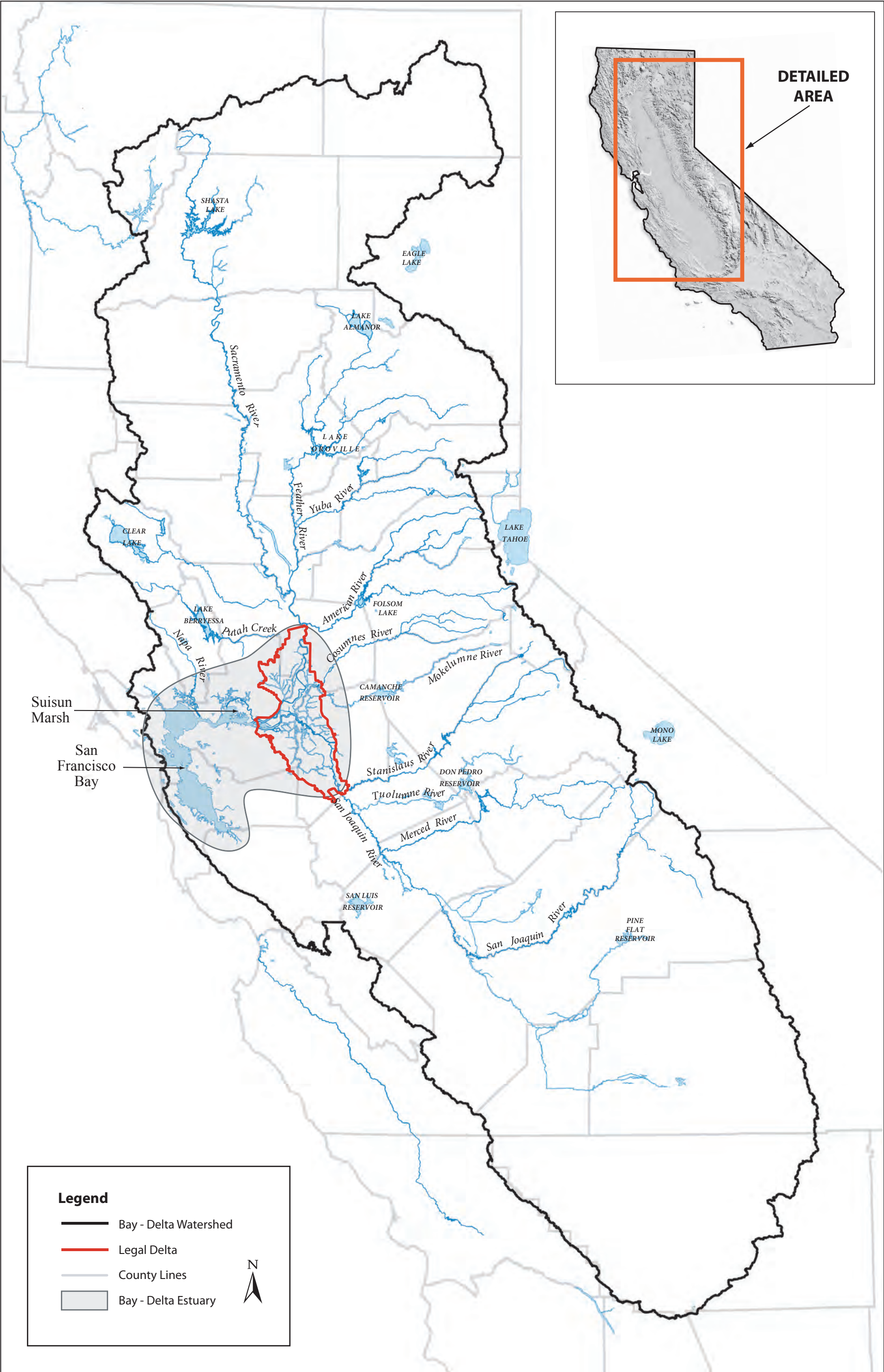


Figure 1 - The Bay-Delta System

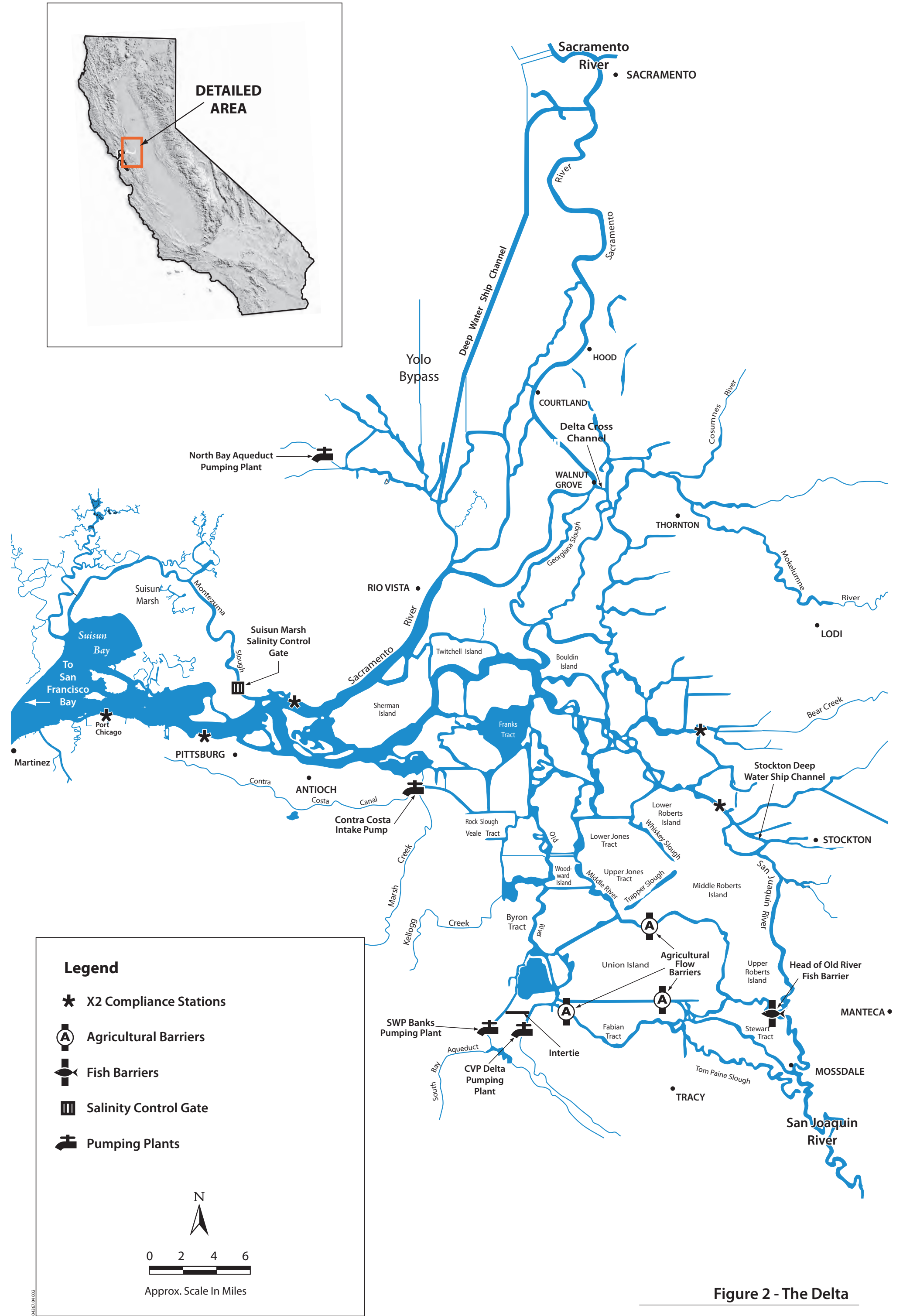
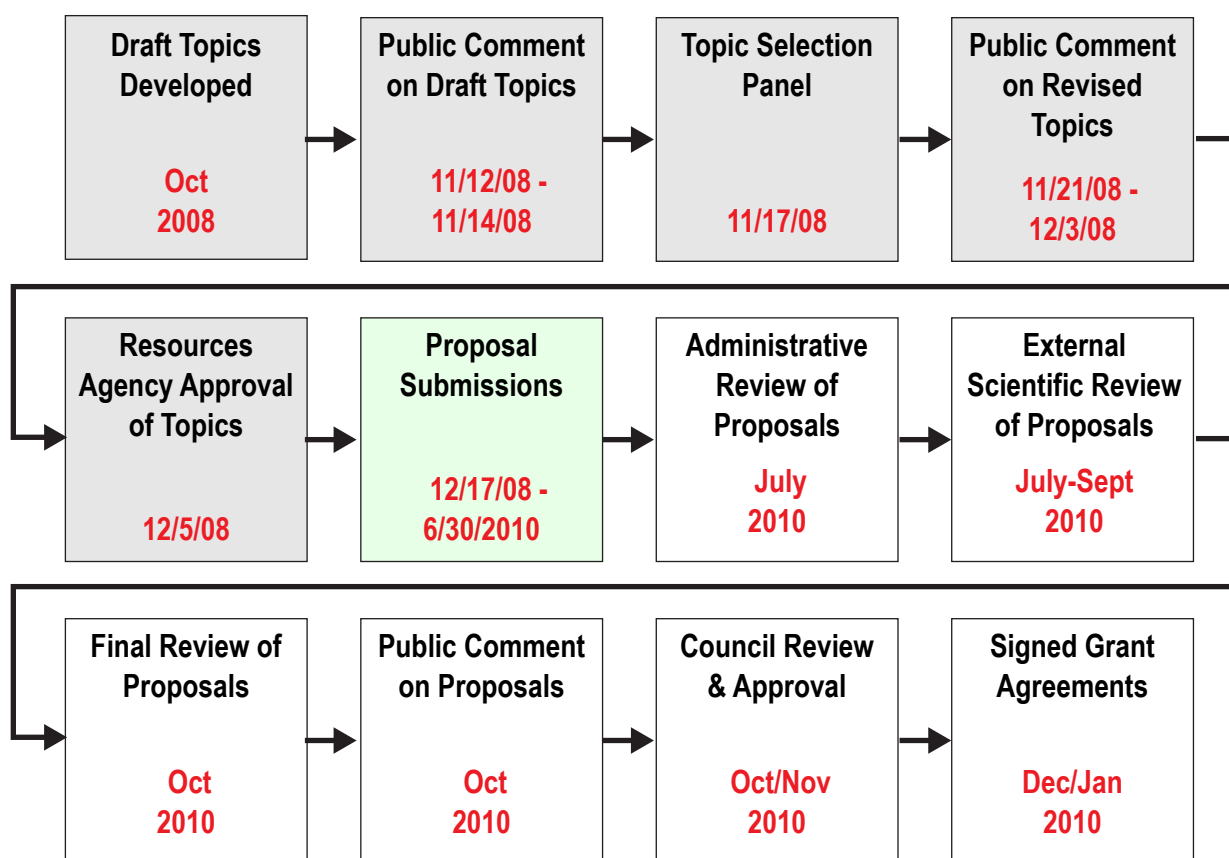


Figure 2 - The Delta

Figure 3
2010 Delta Science Program Focused PSP Schedule



Forthcoming Ecosystem Restoration Grants by the Department of Water Resources and the Department of Fish and Game (Proposal Solicitation Packages)

Summary: More than \$30 million in grants will be made available by the Department of Water Resources and the Department of Fish and Game to fund ecosystem restoration projects. Focus areas for potential grants range from floodplain management to studying the interconnections between water management, regulation, and fish protection. Some of the near-term actions presented in the Delta Vision Strategic Plan are consistent with the grant focus areas.

Background

The Department of Water Resources (DWR) plans to distribute grants from its FloodSAFE environmental projects unit. Details about DWR's Proposal Solicitation Package (PSP) process are not available at this time.

The Department of Fish and Game (DFG) plans to distribute grants to ecosystem restoration projects, beginning in 2010, through a PSP process. DFG has approximately \$30 million from Propositions 13 and 84 (\$12 million and \$18 million, respectively). The following is a brief synopsis of the PSP.

Department of Fish and Game. DFG's PSP will fund projects to achieve CALFED Ecosystem Restoration Program objectives and fundamentally advance knowledge about the Delta's complex environment.

The DFG PSP lists four priority areas for proposals:

Inter-connections of Water Management, Regulation, and Fish Protection. Under this priority, DFG is looking for creative solutions to water management dilemmas that would also result from, or in, better scientific knowledge of environmental processes in the Delta, fish behavior and biology, and the influences of water management.

Inter-connections of Floodplain, Riparian, and Floodplain Habitat. Under this priority, DFG is looking to restore floodplains for native fish recruitment, address factors and linkages to watershed issues that affect floodplain restoration, looking at interactions between climate change and floodplain habitats and solutions to those changing interactions, and seeking innovative solutions to the increased pressures on the Delta's fragile levees and potential brackish water intrusion with corresponding decline in water and habitat quality.

Aquatic Foodweb Dynamics. Under this priority, DFG is looking for proposals that control introduced species and their effects on foodweb dynamics; address the potential factors affecting productivity; enhance the role of floodplains and bypasses in foodweb production; and restore geomorphic processes and riparian vegetation on aquatic invertebrate production and its affect on fish survival and growth.

Optimize Strategies to Protect and Restore Fish. Under this priority, DFG is looking for proposals that develop time-based regimes of water management that lessens adverse affects on fish; define ecological characteristics of Delta shallow water habitat and show how that can be used for management and restoration; provide near-shore channel habitat; conduct research regarding optimal habitat for Delta smelt and other species considered in water management decisions; and define which processes that influence inter-connections between levee protection techniques, water quality, and biological communities that should be used to meet ecosystem restoration goals.

DFG also lists four characteristics of that DFG considers of “great need and add high value” to the proposals:

1. interdisciplinary projects
2. analysis, integration, and synthesis of existing information
3. collaborative proposals
4. matching funds

The PSP document includes an overview of the CALFED Ecosystem Restoration Program, descriptions of the priorities, the application submission procedures, and the review and selection process.

Delta Vision Near-Term Actions. The Delta Vision Strategic Plan (October 2008) lists 10 near-term actions. Some of these actions are consistent with the focus areas of the PSP. Below are the most likely Delta Vision near-term actions that are consistent with the PSP focus areas.

- 2. Initiate collection of improved socio-economic, ecosystem, and physical structure data about the Delta to inform policy processes and project level decision making by all public agencies, local, state, and federal.
- 4. Conduct a Middle River Corridor Two Barrier pilot project.
- 6. Evaluate the effectiveness of a Three Mile Slough barrier project.
- 7. Construct a demonstration fish protection screen at Clifton Court Forebay.
- 8. Advance near-term ecosystem restoration opportunities (e.g., tidal marsh restoration in Dutch Slough or improved floodplain in the Yolo Bypass).

Contact

Nancy Ullrey
Delta Conservancy Program Lead

Phone: (916) 375-2087



Department of Water Resources Delta Levees Program

Presentation for
Delta Stewardship Council

Mike Mirmazaheri
April 22-23, 2010



Delta Levees Program

Program Goal

To reduce the risk to land use and associated economic activities, water supply, infrastructure, and ecosystem from catastrophic breaching of Delta levees by building all Delta levees to the Bulletin 192-82 Standard.

Major Components

- 1. Delta Levees Maintenance Subventions Program*
- 2. Delta Levees Special Flood Control Projects*



Historical Perspective

Subventions Program

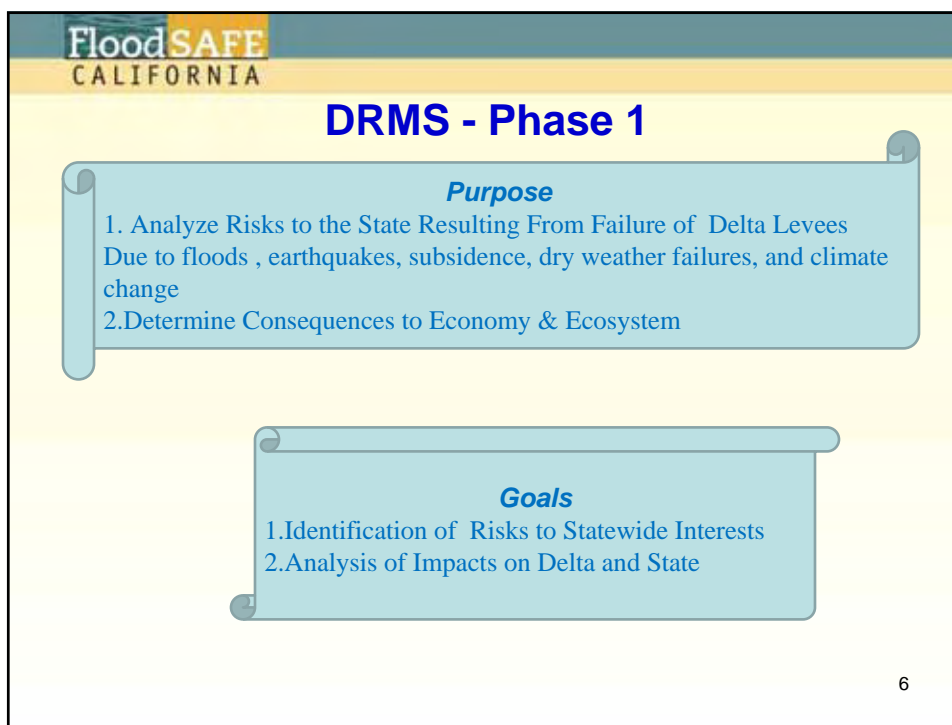
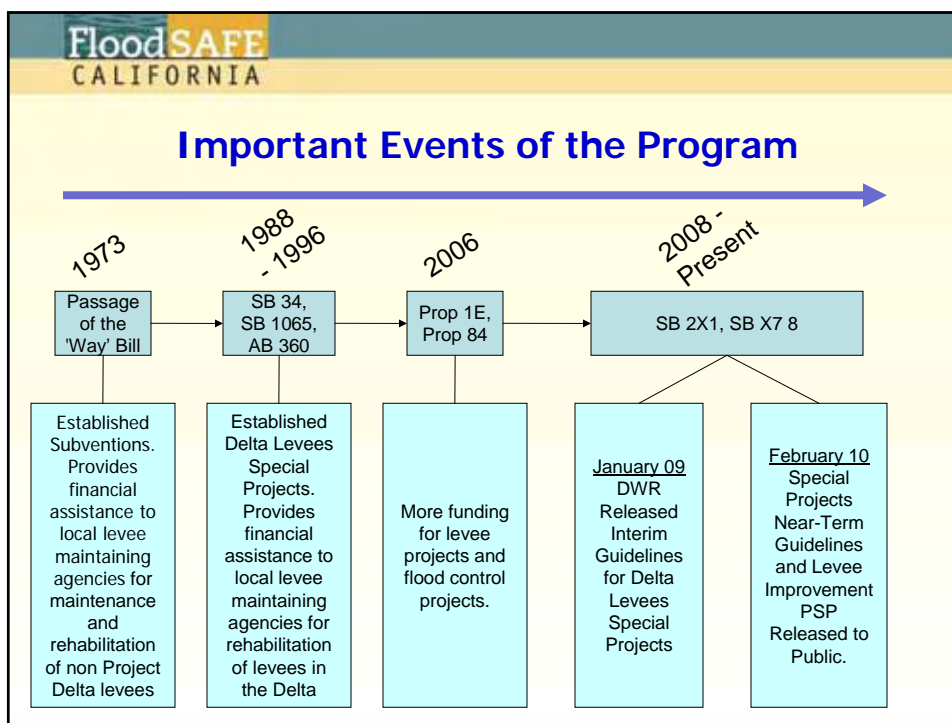
- **Way Bill (1973)**
- **Water Code §§12980 – 12995 (SB34 - 1988)**
- **CVFPB Approves the Plan**
- **State Share of about \$158 million in flood control and habitat projects**
 - 1973 – 1987 (\$10 M or 39% of total project cost)
 - 1988 – 2006 (\$100 M or 53% of total project cost)
 - 2007 – 2009 (\$30 M or 75% of total project cost)
 - 2009 – 2010 (\$18 M allocated – work in progress)
- **Provides technical and financial supports to local agencies**
- **Funding Sources**
 - General Fund
 - Proposition 13, 50, 204, 84, & 1E



Historical Perspective

Special Projects

- **Water Code §§12300 – 12318 (SB34 - 1988)**
- **DWR Executive Approves the Plan**
- **State Share of about \$270 million in flood control and habitat projects**
 - 1988 – 2007 (\$125 M – Eight Western Delta Islands)
 - 2008 – 2009 (\$30 M – In accordance with the Guidelines/PSP)
 - 2009 – 2010 (\$115 M - In accordance with the Guidelines/PSP)
- **Provides technical and financial supports to local agencies**
- **Funding Sources**
 - General Fund
 - Proposition 13, 50, 204, 84, & 1E



FloodSAFE CALIFORNIA

DRMS - Phase 2

Purpose

Develop Risk Reduction Strategies
for Long-Term Management of the Delta

Methodology

1. Develop a menu of risk reduction measures that could reduce risk – “Building Blocks”
2. Package the measures into different combinations – “Trial Scenarios”
3. Use Risk Model to evaluate potential risk reductions
4. Evaluate benefits and costs of these risk reduction measures

7

FloodSAFE CALIFORNIA

Design Standards

Agricultural	Urban
<p style="text-align: center; color: white;">Bulletin 192-82</p> <p style="font-size: small;">Levee slope varies with depth of pool. Range 3:1 - 7:1</p>	<p style="text-align: center; color: white;">Bulletin 192-82</p> <p style="font-size: small;">Levee slope varies with depth of pool. Range 3:1 - 7:1</p>
<p style="text-align: center; color: white;">PL 84-99</p> <p style="font-size: small;">Levee slope varies with height of levee and depth of pool. Range 3:1 - 5:1</p>	<p style="text-align: center; color: white;">Bulletin 192-82</p> <p style="font-size: small;">Levee slope varies with height of levee and depth of pool. Range 3:1 - 7:1</p>
<p style="text-align: center; color: white;">Hazard Mitigation Plan</p> <p style="font-size: small;">Levee slope varies with height of levee and depth of pool. Range 3:1 - 5:1</p>	<p style="text-align: center; color: white;">FEMA</p> <p style="font-size: small;">Levee slope variable. Proof of structural stability required</p>

FloodSAFE
CALIFORNIA

Progress

2007

1990



The image shows a side-by-side comparison of a flood-prone area. On the left, a photograph from 1990 shows a dirt road with deep cracks and a bridge in the background. On the right, a photograph from 2007 shows the same area with a concrete flood wall and a paved road, indicating significant infrastructure improvement.

FloodSAFE
CALIFORNIA

Questions?



Ecosystem Restoration Program

Focused Proposal Solicitation Package 2010/2011

Prepared by ERP Implementing Agencies:
California Department of Fish & Game
United States Fish & Wildlife Service
NOAA's National Marine Fisheries Service

Presentation for the Delta Stewardship Council
April 23, 2010

ERP Focus Area

Map of ERP Focus Area



ERP Accomplishments

- Funded **490** grants for a total of approximately **\$629** million of which about **75%** are complete.
 - Fish Screens
 - Fish passage
 - Wildlife Friendly Ag projects
 - Shallow water marsh and tidal habitats
 - Riparian flood plain and riverine habitats
 - Research and planning

ERP Accomplishments in the Delta and Suisun Marsh

- Restoration and protection of **8,000** acres of wetlands in San Pablo Bay and Suisun Marsh
- Development of the **Suisun Marsh** Restoration and Management Plan
- Conservation of more than **17,000** acres in East Delta
- Development of Conceptual Species and Habitat Models for the Delta (**DRERIP models**)

Accomplishments Continued

- Protected/Restored more than **15,000** acres and 77 river miles for riparian and shaded-riverine-aquatic habitat
- Yolo Bypass restoration projects
- **Assistance to Farmers** projects protected **16,000** acres of agricultural land, **11,000** acres of wildlife friendly agricultural in the Delta

Short Comings

- Lack of **aquatic** ecosystem restoration/enhancement in the Delta and Suisun Marsh
- Most restoration work in Sacramento and San Joaquin Valleys and East side Tributaries, fish passage, fish screens and stream and riparian restoration.

ERP Proposal Solicitation Package Synopsis

The Ecosystem Restoration Program is seeking projects that will achieve objectives for ecosystem restoration primarily in the Delta and Suisun Marsh consistent with:

- CALFED Record of Decision
- ERP Stage 2 Conservation Strategy
- Delta Vision
- Bay Delta Conservation Plan

PSP Priorities

- Restoration Projects that restore or enhance functional aquatic habitat (floodplain and intertidal/subtidal) in the Sacramento-San Joaquin Delta and Suisun Marsh and Bay
- Research that will test hypotheses and address uncertainties identified in the DRERIP evaluation of the BDCP conservation measures and National Research Council OCAP Biological Opinion review

Proposal Review and Selection

- Administrative Review
- External Scientific Review
- ERP Implementing Agency Managers Review and project selection
- Delta Stewardship Council Review of selections
- Department of Fish and Game issuance of Grants

Timeline

- Solicitation posted: July 2010
- Proposals due (first round): October 1, 2010
- Review process - 2 months
- Award grants: Early 2011
- Funds available: \$35M, subject to 2010-11 Budget approval.

Draft Outline of Interim Plan

Summary: Per the Council's direction from the April 1, 2010, Delta Stewardship Council meeting, staff has prepared the following Interim Plan draft outline. This outline will be changed significantly as real work on the Interim Plan begins.

Background

One of the early actions required of the Council is to develop and implement an Interim Plan that includes recommendations for early actions, projects, and programs proposed by federal, state, and local public agencies as well as non-governmental organizations (NGO). The draft Interim Plan is based on the statutory requirements for the Delta Plan as they apply during the period before the Delta Plan is adopted. Statute sections are noted where applicable.

Interim Plan Outline

- I. Legally acknowledge the co-equal goals (85054)
- II. Recognize and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place
 - a. Consider Delta Protection Commission's Resource Management Plan
 - b. Support for agriculture
 - c. Support completion of federal legislation on national heritage area
 - d. Other items as appropriate
- III. Restore the Delta ecosystem (restoration 85066) (flows 85086)
 - a. Dutch Slough tidal marsh restoration (85085 (d))
 - b. Meins Landing tidal marsh restoration evaluation (85085 (d))
 - c. Other near-term actions as identified in the Delta Vision Strategic Plan (85085 (c))
 - d. DFG and DWR proposal solicitation projects
 - e. New operating criteria for Biological Opinions?
 - f. Other projects
- IV. Promote statewide water conservation, efficiency, and sustainable water use (expanded diversion data collection and reporting 85086)
 - a. State Water Resource Control Board develops plan for Delta watershed diversion data collection and public reporting by December, Council reviews
 - b. Appoint Delta Watermaster (85230)
 - c. Complete board and DFG instream flow criteria evaluation
 - d. Development of a drought contingency plan
 - e. Other items
- V. Build facilities to improve the existing water conveyance system and expand statewide storage and operate both to achieve the co-equal goals
 - a. Continue working on the rapid science study for the Two-Gates Fish Protection Demonstration Project

- b. Construct and implement the Two-Gates Fish Protection Demonstration Project (85085 (a))
- c. Complete EIR/S for Three Mile Slough if appropriate begin construction (85085 (b))
- d. Evaluate constructing demonstration fish protection screen at Clifton Court Forebay
- e. Complete BDCP including near-term and long-term flow management proposals and associated Environmental Impact Report and Statements
- f. Other items
- VI. Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and strategic levee investments
 - a. Continue to invest in rock and emergency response materials
 - b. Conduct a public review of the emergency plan for the Delta and conduct an exercise
 - c. Develop emergency plan for statewide implementation in the event of catastrophic failure and conduct an exercise
 - d. Continue levee subvention program
 - e. Other items
- VII. Develop and implement a project review process for use moving forward
- VIII. Establish a new governance structure with the authority, responsibility, accountability (85082 federal participation), science support (85280) and secure funding to achieve these goals
 - a. Develop and implement consistency rules and regulations
 - b. Appoint science board and new lead scientist
 - c. Develop science proposal solicitation process for key science objectives
 - d. Develop Delta Plan including finance plan
 - e. Develop and implement a review process for Delta projects to be used until the Delta Plan is implemented
 - f. Continue tracking appropriate CALFED projects and participate in reviews of ongoing work
 - g. Other items

Fiscal Information

Not applicable

List of Attachments

None

Contact

John Ryan, Program Manager
Program Performance and Tracking

Phone: (916) 445-0672

**Correspondence Received Prior to April 22-23, 2010,
Meeting of the
Delta Stewardship Council
(2nd Batch)**

Letter No.	From	Date	Subject
2010-00006	Peggy Bohl	04-07-10	Request for Consistency Review
2010-00007	Stephen Heringer Heringer Holland Land & Farming Co.	04-12-10	Request to Schedule a Council Meeting in Clarksburg
2010-00008	Peter & Kathy Hunn	04-13-10	Request to Schedule a Council Meeting in Clarksburg
2010-00009	D. Mark Wilson Wilson Farms & Vinyards	04-12-10	Request to Schedule a Council Meeting in Clarksburg
2010-00010	D. Healy	04-13-10	Request to Schedule a Council in the North Delta
2010-00011	Bob Baiocchi	04-13-10	Request for Meeting Materials and Comments about Council and Meetings
2010-00012	Mark Pruner, Chair Board of Directors Clarksburg Fire Protection District	04-01-10	Formal Request for Coordination under State Laws Relating to All of Plans and Strategies Considered and Proposed by and through the Delta Stewardship Council, Including the Interim Delta Plan and the Final Delta Plan and All Other Processes
2010-00013	Michael Rozengurt	04-10-10	Letter to Governor
2010-00014	DOI Press Release	04-13-10	Delta-Mendota Canal/California Aqueduct Intertie Pumping Plant, Underground Pipeline is Awarded \$20.7 million in American Recovery and Reinvestment Act Funding
2010-00015	DOI Press Release	04-07-10	Interior, California Officials Commit to November 2010 Completion of Draft Bay Delta Conservation Plan

PEGGY BOHL

PO BOX 167 • CLARKSBURG, CALIFORNIA 95612

916-744-1555

RECEIVED
DELTA COUNCIL
MAILROOM

2010 APR 12 PM 2:30

April 7, 2010

Philip Isenberg, Chairman
and Members of:
The Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, California 95814

SUBJECT: REQUEST FOR CONSISTENCY REVIEW

Dear Chairman Isenberg,

As a resident of Clarksburg and a Californian, I thank you for your service to safeguard the California Delta.

During the initial meeting of your Delta Stewardship Council (the "Council") on April 1, 2010, the "Land Use and Resource Management Plan" (the "Plan"), recently approved by the Delta Protection Commission (the "DPC"), was accepted as your Interim Plan, until the Council approves its' own. It was my intention to address this issue during Public Comment but I chose to write this letter to you instead.

The original Management Plan was written in 1994 and implemented the Delta Protection Act of 1992 (the "Act"). After the successful appeals (levees, densities, buffers and land use) by Concerned Citizens of Clarksburg and NRDC to the DPC in 2007, the Chair of the Commission determined a need to rewrite the Plan and began the process. Altered language contained in the revised Plan could nullify the 2007 appeal and is inconsistent with the Act. It must be noted that the 1994 Management Plan was effective and has worked for sixteen years!

The revised Plan was adopted by the Commission on March 27, 2010. At that meeting, Secretary Lester Snow personally and respectfully appealed to the Commission to hold off the adoption of the revised Plan for a few weeks of review. This would allow all Council members to have a better understanding of how the revised Plan affects the newly enacted legislative requirements. He was summarily rebuffed by the DPC. (Letter dtd. 02/05/10 from Secretary Snow is attached.)

After ample consideration and consultation with others, I request that your Counsel legally review the changes made to the 1994 Plan and whether the revised Plan, adopted on March 27, 2010 is consistent with the Act, legislative mandates and your mission. The 1994 Land Use and Resource Management Plan was written in conformance with the Act. Substantial changes to the Act and its "Plan" must be justified, made consistent and NOT be used to undermine your Council's work.

Examples of specific concern follow:

I. LAND USE POLICIES #11A, #11B and AG POLICY #6.

These new clustering and transfer of development rights (TDR's) policies weaken the policies of the Delta Protection Commission and are in conflict with the Act. They could allow substantial residential development anywhere in the Primary Zone.

Phil Isenberg, Chairman
Page 2

2. LAND USE POLICY #3

This proposed policy will eliminate a DPC buffer policy that is specifically designed to protect the agricultural resources in the Primary Zone at the intended higher degree of protection than other farming areas in the five counties. The proposed new policy turns any buffer decisions regarding land use changes back to the individual counties. *The commission will have no oversight or appeal authority* over future land use changes and associated new negative buffer impacts on the Primary Zone agricultural resources.

3. Many policies have been changed from the 1994 SHALL (mandatory) to SUBJECTIVE LANGUAGE (discretionary). While the 1994 law is mandatory, many of the policies in the 2010 Management Plan have become discretionary.

4. The reference to January 1, 1992 (the "Act") established a baseline for development and density in the Primary Zone of the California Delta. This date has been consistently deleted from many of the modified policies, eliminating an important control on Primary Zone development.

I further request that your Council ensure that the adopted Plan be consistent with the 1992 Delta Protection Act, before it serves as the Council's Interim Plan. This will be a step to protect the interests of all Californians and guarantee that co-equal values be achieved in the Delta.

Thank you for giving me the opportunity to write this letter to you. I know that your endeavors to protect, preserve and enhance this very special place will be successful.

Sincerely,



Peggy Bohl

Att: (1)

c.c. Senator Fran Pavley, Senate District 23
Assemblymember Jared Huffman, District 6
Resource Director, Lester Snow
Council Member Randy Fiorini
Council Member Gloria D. Gray
Council Member Patrick Johnston
Council Member Hank Nordhoff
Council Member Don Nottoli
Council Member Richard Roos-Collins
Council Counsel Chris Stevens
Council Acting Executive Director Joe Grindstaff
Delta Protection Commission Executive Director Linda Fiack
Barry Nelson, Natural Resources Defense Council
Kate Poole, Natural Resources Defense Council
Greg Loarie, Earth Justice
Sprek Rosekranz, Environmental Defense
Jonas Minton, Planning and Conservation League
Gary Bobker, The Bay Institute



February 25, 2010

The Honorable Don Nottoll, Chair
Delta Protection Commission
P.O. Box 530
Walnut Grove, CA 95690

Re: Delta Protection Commission Draft Management Plan Update

Dear Chair Nottoll,

As one of two new commissioners, I write to ask that you defer a vote adopting the Draft Management Plan update for at least a month and schedule a workshop to allow all commissioners to have a better understanding of how the updated Plan meshes with – and could be guided by and also guide – newly enacted legislative requirements.

As you know, work on updating the Land Use & Resource Management Plan began almost three years ago. That was before the governor's Delta Vision Blue Ribbon Task Force recommendations were completed and well before the Legislative package enacted last fall that revised the DPC membership, created the Delta Stewardship Council and the Sacramento-San Joaquin Delta Conservancy, and assigned several new roles and tasks to each.

Over the coming 16 months, the DPC is required to develop an economic sustainability plan for the Delta. It's important that options that should be included in that plan not be precluded by the draft Management Plan. There also may be portions of the draft Management Plan that more properly belong in the economic sustainability plan. Last November and again in January, state agencies raised the issue about developing a financial mechanism to offset any loss of local government or special district revenue – not because they wanted to avoid legitimate responsibility, but because this mechanism more properly belongs in the economic sustainability plan.

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>

Baldwin Hills Conservancy • California Coastal Commission • California Coastal Conservancy • California Conservation Corps • California Tuleen Conservancy • Central Valley Flood Protection Board
Coachella Valley Mountains Conservancy • Colorado River Board of California • Delta Protection Commission • Delta Stewardship Council • Department of Boating & Waterways • Department of Conservation
Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation • Department of Resources Recycling and Recovery • Department of Water Resources
Energy Resources Conservation & Development Commission • Madrona/Joaquin Heritage Commission • Sacramento-San Joaquin Delta Conservancy • San Diego River Conservancy
San Francisco Bay Conservation & Development Commission • San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy • San Joaquin River Conservancy
Santa Monica Mountains Conservancy • Sierra Nevada Conservancy • State Lands Commission • Wildlife Conservation Board



Honorable Don Nottoli
February 25, 2010
Page 2

In addition, as state agencies conveyed to you last November, while it is state policy to preserve and protect agricultural lands and we are committed to this, the draft Management Plan update does not adequately balance that policy with other state interests. As written, in some cases it could restrict non-governmental organizations (such as local reclamation districts, non-profit organizations, local governments and individual property owners) from partnering with state agencies to bring much needed programs and projects into the Delta.

The recently enacted legislation gives us new roles and new challenges, but I remain committed to working with you and the members of the Delta Protection Commission to achieve a sustainable Delta and find the right balance of its multiple resources and uses.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lester Snow', followed by a long horizontal line extending to the right.

Lester Snow,
Secretary for Resources

cc: Linda Flack, Executive Director

**HERINGER HOLLAND**
Land and Farming Co.RECEIVED
DELTA COUNCIL
MAILROOM

2010 APR 13 PM 3:20

April 12, 2010

Mr. Phil Isenberg, Chair
Delta Stewardship Council
650 Capitol Mall
Sacramento, California

Dear Mr. Isenberg,

The Heringer family has farmed the Upper Delta in the Clarksburg area since 1868. I am a 5th generation family farmer, a 30 year trustee and current President of Reclamation District 999, and am an active participant in a wide range of community support groups and events. In spite of being blocked out of the initial BDCP formulation and foundation process, the Clarksburg area is being required to sacrifice much in the area of farming efficiency, creation of potential habitat, and infrastructure development to support the BDCP goals of transporting water south.

The Clarksburg area community has been resolute in their efforts to be heard at the scoping meetings regarding our concerns of effects toward our individual and community operations by the BDCP process. The Upper Delta and Clarksburg community turned out in greater force than any other region and on numerous occasions in an attempt to be engaged in the process

We strongly urge you to schedule at least one of your required monthly Delta Stewardship council meetings in Clarksburg such that the council members may become intimately familiar with the Upper Delta Clarksburg area and so that we may continue to feel engaged in the future processes of the DSC. We thank you in advance for your kind consideration of our request.

Sincerely,

Stephen F. Heringer

RECEIVED
DELTA COUNCIL
MAILROOM

2010 APR 13 PM 3:21

Peter and Kathy Hansen
P.O. Box 382
Clarksburg, CA 95612

Mr. Phil Isenberg
Chair of the Delta Stewardship Council
650 Capitol Mall
Sacramento, CA 95814

Dear Mr. Isenberg,

As residents of Clarksburg and being from a fifth generation farm family, we are directly affected by the California water issues. We stand to lose most of our farmable land if the peripheral canal and accompanying flood plains are constructed.

My husband and I are members of North Delta CARES, the largest advocacy group to oppose the efforts on the part of the state to move water from the northern part of the state south.

ND CARES has been engaged in the process for two years now. We have been firm in our opposition from the first moment we found out about the state's efforts to put in the canal. It is our firm belief that the environment of the North Delta region will be irreversibly damaged if such a canal is built.

We are strongly requesting that at least one of the Delta Stewardship Council meetings be held here in Clarksburg since this

community is at ground zero regarding
the movement of water south.

Thank you for your serious considerations
of this request.

Sincerely,
Peter and Kathy Hurn

RECEIVED
DELTA COUNCIL
MAILROOM

2010 APR 13 PM 3:21

Mr. Phil Eisenberg
Chairman,
Delta Stewardship Council

Dear Mr. Eisenberg,

I am a resident and farmer in the Clarksburg District. Our community has been constantly improved during the Delta Vision and BCP process and the recently passed Delta legislation package.

Because of the ongoing interest of this district I am requesting that the Delta Stewardship Council hold at least one of its meetings in Clarksburg.

Sincerely,
D. Mark Wilson

D. MARK WILSON
WILSON FARMS & VINEYARDS
P.O. BOX 307
CLARKSBURG, CA 95612

RECEIVED
DELTA COUNCIL
MAILROOM

To Whom It May Concern 2010 APR 13 PM 3:21

This is a request To have one of your meetings in The North Delta. North Delta Cares has been The most active and engaged organisations in The Delta Water process. It would be appropriate That your organisation would hold a meeting here.

Thank you
Dany Henry

From: Bob Baiocchi [mailto:rbaiocchi@gotsky.com]
Sent: Tuesday, April 13, 2010 12:28 PM
To: Rogers, Pat@DeltaCouncil
Cc: Roos-Collins, Richard
Subject: Delta Stewardship Council - Request for Information and Comments
Importance: High

April 13, 2010

Pat Rodgers
Communications and Public Outreach
Delta Stewardship Council
Sacramento, California

**Re: Proposed Delta Stewardship Council Meeting of April 22 and 23, 2010;
Request for Information and Comments**

I have reviewed your submittal of April 12, 2010 regarding the proposed Delta Stewardship Council meeting of April 22 and 23, 2010

Please provide me with the following information:

1. Copies of the Delta Plan consultant contracts.
2. Copies of the letter for federal participation.
3. A copy of the letter of consultation between the SWRCB and the water master. Also the name and organization of the water master.
4. Copies of the letters of state agencies consultation.
5. A copy of the budget for the Delta Stewardship Council.
6. A copy of the list on contracts as of February 3, 2010.
7. Copies of the Legislative and legal updates.
8. A copy of the Delta Stewardship Council meeting procedures.
9. A copy of the meeting schedule.
10. A copy of the conflict of interest rulemaking.

Comments:

11. The US Bureau of Reclamation should not be represented on the Council because of their conflict of interest in operating and managing the Central Valley Project. The Delta Stewardship Council should take the weight of the US Bureau of Reclamation recommendations lightly. The same is true of the California Department of Water Resources.
12. There should be no expenses and/or payment in the budget given to federal and state agencies because the people of California already pay them for their services. Secondly, the State of California is bankrupt.
13. The meeting procedures must allow for public participation such as written comments to the Council. The Council must answer said written comments by the public.
14. The proposed meeting should include teleconference communications that allows interested parties and disabled persons that cannot attend the meetings such as the public to listen and participate. Said funding for the teleconference expense should be from the budgets of the California

Department of Water Resource and the State Water Resources Control Board.

- 15. Timely minutes of all meetings must be taken and placed on Council website before and after the minutes are approved.**
- 16. Who will investigate and enforcement any conflicts of interest that may occur? There must be an independent counsel for the Council.**
- 17. We are opposed to Science Grants. This exercise should be about fixing a problem and not giving out grant money for profits when the State of California is bankrupt.**
- 18. The US NOAA Fisheries (Delta expert) should be a member of the Council pursuant to their responsibilities and duties under the provisions of the federal ESA.**
- 19. The California Department of Fish and Game (Delta expert) should be a member of the Council pursuant to their responsibilities and duties under the provisions of the state ESA.**
- 20. The public should have the opportunity to submit comments and recommendations regarding potential members of the Delta Stewardship Council.**
- 21. What are the qualifications for becoming a member of the Council? There should be qualifications such as qualifying as an expert witness before the State Water Board.**

Place the above comments into the records. I am requesting an answer to my comments. Also provide me with the requested information. My background is enclosed if there are any questions about my interests and me. I am a native Californian and I grew up sharing the values of the Bay Delta Estuary with other people in San Francisco.

Provide copies of this letter to all Council members. Thank you.

Thank you for the opportunity to submit comments.

Respectfully Submitted

Signed by Robert J. Baiocchi electronically

**Robert J. Baiocchi, President
California Fisheries and Water Unlimited**

cc: Interested Parties

Bob Baiocchi, Consultant, Retired
P.O. Box 1035
Graeagle, CA 96103
Telephone: 530-836-1115
E-Mail Address: rbaiocchi@gotsky.com

March, 2010

Resume - Background

Profession:

Consultant – Retired, But Active – Age 78

Total Experience:

40 plus years

Expertise:

State Water Rights and also Federal Energy Regulatory Commission (FERC) hydroelectric licensing and relicensing process, and other state and federal administrative proceedings; Conducted research, prepared and file formal water right complaints, protests, objections, and comments; Conducted research, prepared and filed water right petitions, statements, and related matters; Agent at water right hearings; Conducted research, prepared and filed motions of intervention, petitions for rehearing and formal comments in FERC matters; Conducted research, prepared and filed written comments on CEQA and NEPA documents to local, state, and federal regulatory agencies; Conducted research, prepared and filed formal letters to regulatory state and federal agencies; Consulted with attorneys to prepare legal briefs and statements. Emphasis: anadromous fisheries, resident fisheries, water quantity and quality, water rights, and other environmental issues.

Education:

Self-Educated

Expert Qualification:

Expert Witness on Water Rights Matters; Qualified in 1992 by the State Water Resources Control Board at Bay Delta Hearing; Testified at numerous water right hearings.

Positions:

Safeguard Environmental Protection Agency - Staff
Consultant Work for California Sportfishing Protection Alliance
Consulting Work for Fall River Wild Trout Foundation
Consulting Work for Friends of the Eel River

Consulting Work for Carmel River Steelhead Association
Consulting Work for Hot Creek Ranch
Consulting Work for Lake Oroville Fish Enhancement Committee
Consulting Work for Northern California Council Federation of Flyfishers
Consulting Work for Plumas County (Water Related – Water Rights)
Past and Long Term Member of the Cantara Trustee Council (Upper Sacramento River)
Past and Long Term Member of the Oroville Recreation Advisory Committee
Past and Long Term Member of the Stony Creek Task Force
Past Director for Northern California Council Federation of Flyfishers
Former Executive Director of California Sportfishing Protection Alliance
Past VP of Conservation for Northern California Council Federation of Flyfishers
Former Secretary of Butte County Fish and Game Commission
Past President of Chico Fly Fishing Club
Past Conservation Chairman – Chico Fly Fishing Club
Past Conservation Chairman – Northern California Flyfishermen for Conservation (Paradise, CA)
The Baiocchi Family – Agent and Spokesman
Founder – The Anglers Committee
Past Chairman – The Anglers Committee
President – The Anglers Committee
Executive Director – California Salmon and Steelhead Association
Consultant - California Salmon and Steelhead Association

Awards:

Inducted into Fly Fishing Hall of Fame for conservation work by the Northern California Council Federation of Flyfishers;

National Conservation Award – Federation of Fly Fishers

Herb Troebner Memorial Conservation Award for Outstanding Efforts in the Conservation of Our Fisheries – Pasadena Casting Club

Man of the Year Award – Motherlode Chapter Sierra Club;

Conservation Award – Sacramento River Preservation Trust;

Conservation Award From California – Nevada Fisheries Society to California Sportfishing Protection Alliance for my work in filing formal complaints against licensees of hydro projects in California for violations of mandatory daily fish flow requirements;

Streamkeepers Award – California Trout – 1970s – North Fork Feather River

Environmental Hero Award – Awarded to Bob Baiocchi by Commander Thompson of NOAA on September 29, 2001 at NCCFFF dinner at Lake Tahoe

Others not mentioned.

Consulting Activities in California

Lower Yuba River – Conducted research, prepared and submitted formal water right complaint on behalf of United Group with the SWRCB against Yuba County Water Agency et al. Submitted exhibits, obtained expert witnesses, and testified. Acted as agent in recent hearing. 27 days of hearing. Long term process. Issue: Inadequate daily flow requirements to protect threatened and listed steelhead, threatened and listed spring-run Chinook salmon and also fall-run Chinook salmon and their habitat.

Santa Ynez River – Conducted research, prepared and submitted formal water right complaint on behalf of CSPA with the SWRCB against U.S. Bureau of Reclamation. Submitted exhibits, obtained expert witnesses, and testified. Hearing held in 1992. Decision by SWRCB still pending. Issue: The SWRCB did not order mandatory daily flow requirements from Bradbury Dam to protect steelhead and their habitat in the Santa Ynez River. A hearing before the SWRCB will be held this year.

Feather River Project – State Water Project - Feather River – Conducted research, prepared and submitted petition of intervention with the Federal Energy Regulatory Commission (FERC) on behalf of Lake Oroville Fish Enhancement Committee (LOFEC) and CSPA against Recreation Plan by the Department of Water Resources; Also submitted numerous formal filings regarding sportfishery management of Oroville Reservoir. FERC ruled in favor of LOFEC and CSPA, and other parties regarding the Recreation Plan. FERC established the Oroville Recreation Advisory Committee. Consultant was a member of ORAC and worked with leaders and community in the Oroville area. Process still ongoing. Issue: Management of sportfishery in Oroville Reservoir and also construction of new and improved public recreation facilities.

Lower Mokelumne River – Conducted research, prepared and submitted a formal water right complaint with the SWRCB on behalf of CSPA and Committee to Save the Mokelumne against East Bay Municipal Utility District. Submitted exhibits and expert witness testimony to SWRCB. About a dozen days of hearing were held. Also, submitted similar complaint with the Federal Energy Regulatory Commission (FERC). FERC prepared an EIS. Improved mandatory minimum flows ordered by FERC. Issue: Inadequate daily minimum flow requirements and water

temperatures below Comanche Dam to protect fall-run Chinook salmon and steelhead.

Stony Creek – Tributary to Sacramento River - Conducted research, prepared and submitted a formal water right protest with the SWRCB against the U.S. Bureau of Reclamation on behalf of the CSPA. As a result of an agreement between the Bureau and CSPA (Consultant), the Bureau agreed to form the Stony Creek Task Force and also agreed to prepare the Stony Creek Fish, Wildlife, and Water Use Management Plan. Numerous meetings held by the Stony Creek Task Force over a five (5) year period. Also the Bureau is conducting additional studies. The management plan is before the SWRCB at this time, subject to studies by the Bureau. Issue: Inadequate daily flows below Black Butte Dam effecting the migration of salmon into Stony Creek, and also inadequate daily flows for Chinook salmon species and their habitat, and other fish species.

Russian River and Tributaries – Conducted research, prepared and filed a complaint with the SWRCB against all water users holding water right permits, and also applicants who applied for water rights. Public meetings held in Sacramento regarding the complaint. 1,400 water right permits were issued by the SWRCB, and 86 water right applications were pending before the SWRCB when the complaint was filed. Also filed dozens of formal water right protests against pending water right applications to divert water from tributaries of the river. Issue: Failure of the SWRCB to order adequate mandatory daily minimum streamflow requirements in water right permits to protect threatened steelhead and also threatened coho salmon and their habitat. The process is on-going.

Upper Sacramento River – Consulted with attorneys on regular basis who filed a lawsuit against Southern Pacific Railroad Company regarding the derailment and resulting toxic spill (major wild trout kill – 45 plus miles of river) in the Upper Sacramento River. As a result of the lawsuit and also a lawsuit filed by the State of California, I represented parties such as the CSPA et al. that were involved in the original lawsuit as a member of the Cantara Trustee Council. The CTC administrated 14 million plus dollars that was settlement money from the State's lawsuit for the restoration of the Upper Sacramento River, including other activities. Quarterly meetings. Members of the CTC are Department of Fish and Game, U.S. Fish and Wildlife Service, Regional Water Quality Control Board, and a local recreation agency. Long-term process.

Navarro River and Tributaries – Conducted research, prepared and filed numerous water right protests on behalf of the CSPA against applicants seeking the rights to divert water from the Navarro River and its tributaries. Worked closely with Dr. Hillary Adams of the Navarro Watershed Protection Alliance in filing said formal protests. A lawsuit was filed by the Navarro Watershed Protection Alliance et al. against the SWRCB and is still pending. The long process is ongoing.

Carmel River – Conducted research, worked with the Carmel River Steelhead Association (CRSA), and filed numerous objections and comments with the SWRCB on behalf of the CRSA and the CSPA concerning the use of the state’s water and the resulting adverse effects to threatened steelhead and their habitat in the Carmel River. Long term. Numerous resource issues involved. Issue: Adequate flows for threatened steelhead and their habitat in the river and many related water use issues effecting steelhead in the river and its tributaries.

Calaveras River – Conducted research, prepared and recently filed a complaint with the SWRCB on behalf of the CSPA against Stockton East Water District, Calaveras Water District, and the U.S. Bureau of Reclamation (New Hogan Dam and Reservoir) for failing to provide adequate daily flows in the Calaveras River to maintain federally listed and threatened steelhead and also fall-run Chinook salmon species and their habitat in the river, including inadequate protection measures from diversions in the river. This matter is before the SWRCB at this time.

Napa River and Tributaries – Conducted research, prepared and filed numerous formal protests with the SWRCB on behalf of the CSPA against water right applications on the Napa River. Issue: Attempting to have the SWRCB order mandatory daily minimum streamflow requirements in water right permits to protect fish and other aquatic species and their habitat.

Salinas River – Conducted research, prepared and submitted a water right protest against the City of San Luis Obispo to enlarge Salinas Dam on the Salinas River. Three (3) day hearing held by the SWRCB. Assisted Ms. Lorraine Scarpace, Attorney, at the subject hearing. The Salinas River sustains threatened southern steelhead. There are no mandatory daily flow requirements from Salinas Dam. The SWRCB failed to order mandatory minimum flow requirements from Salinas Dam as a result of the hearing and also in past decision and orders. Issue: Mandatory flow requirements from Salinas Dam to protect threatened southern steelhead, and also to prevent the enlargement of Salinas Dam.

Eel River – Conducted research and prepared a motion of intervention on behalf of the Friends of the Eel River concerning license amendments before the Federal Energy Regulatory Commission regarding PG&E’s Potter Valley Project No. 77 which is located on the Eel River.

Fall River – Conducted research, prepared, and filed numerous written comments in cooperation with the Fall River Wild Trout Foundation regarding siltation issues effecting the wild trout fishery of Fall River.

North Fork Feather River Watershed – Feather River - Representing the Baiocchi Family regarding the relicensing of PG&E’s Rock Creek - Cresta Project No. 1962, PG&E’s Poe Project No. 2107, and PG&E’s Upper North Fork Feather River Project No. 2105 (Lake Almanor – North Fork Feather River). Also representing the Baiocchi Family in the relicensing of the Department of Water Resources’ Feather

River Project 2100. The relicensing process for all of the above hydro projects are before the Federal Energy Regulatory Commission at this time. Also, representing The Baiocchi in the relicensing of the Department of Water Resources' Oroville Project 2100 (aka Oroville Facility of the State Water Project).

Unauthorized Use of the State's Water – Conducted research prepared and filed dozens of formal protest against water right applications on behalf of the CSPA. Advised the SWRCB in said formal protests that the applicants were diverting, storing, and using the state's water without a valid water right in violation of state law. Issue: Attempting to have the SWRCB order mandatory daily flow requirements, and also attempting to have the applicants cease diverting and storing the state's water without a valid water right.

Other Rivers and Streams – Conducted research, prepared and filed numerous formal protests against numerous water right applications in numerous rivers and streams throughout the state of California on behalf of the CSPA. Those formal protests are on file with the SWRCB and many are still pending.

Major Achievement – Conducted research, prepared and filed several formal complaints with the Federal Energy Regulatory Commission (FERC) on behalf of the CSPA against several hydropower licensees in California for violating the terms and conditions of FERC licenses for failing to meet daily flow requirements for fish and other aquatic resources in numerous rivers in northern California. As a result of the complaints the FERC is monitoring and enforcing compliance of mandatory daily flow requirements from FERC licensed dams. Also, the Federal Power Act was amended and fines were increased from up to \$500 to \$10,000 per day for violations of the terms and conditions of FERC licenses. Consultant also dealt with Congressional Subcommittees.

Present Activities

Jamison Creek – Proposed Step Pool Project – Lack of Environmental Protection – Claimed Pre-1914 Water Rights – Working with Dr. Joseph Abbott

PG&E Upper North Fork Feather River Project 2105 (Lake Almanor et al) – FERC Relicensing Process – Working with The Anglers Committee;

PG&E Rock Creek – Cresta Project 1962 – North Fork Feather River - FERC Post relicensing activities – Ecological Reservoir Committee - Working with The Anglers Committee;

PG&E Poe Project 2107 – North Fork Feather River - FERC Relicensing Process - Working with The Anglers Committee;

PG&E DeSabra-Centerville Project 803 – Butte Creek, West Branch Feather River, and Tributaries – FERC Relicensing Process - Working with The Anglers Committee;

Oroville Facility of the State Water Project 2100 (aka Oroville Project) – North Fork Feather River; Middle Fork Feather River; South Fork Feather River; West Branch Feather River; Main Stem Feather River; Oroville Reservoir et al. – FERC Relicensing Process - Working with organizations and people of the Oroville Area;

Pit – McCloud Hydro Project 2106 – McCloud River Watershed; Pit River Watershed – FERC Relicensing Process - Working with The Anglers Committee

Upper American River 2101 – Relicensing of Project by SMUD – Water Rights Protests – Working with Anglers Committee

Lake Davis – Mismanagement – US Forest Service - Working with The Anglers Committee

Lake Davis – Mismanagement - Cattle Grazing – Water Quality - Working with The Anglers Committee

Lake Davis – Northern Pike Eradication Project – California Department of Fish and Game and Plumas National Forest – Comments to EIR-EIS et al requesting compliance of ADA and other benefits to the public and the public trust resources.

Lake Davis – Compliance with Americans With Disabilities (ADA) – Complaint filed with Plumas National Forest – Accessibility for the Disabled – All Public Facilities

Frenchmen Reservoir – Unreasonable Angler Fees – US Forest Service - Working with The Anglers Committee

Jamison Creek, Tributary to Wild and Scenic Middle Fork Feather River, Plumas County; Plumas County RAC Process – Protection of fishery resources (trout) and water quality at a water diversion project for a private golf course approved for funding by the Plumas County Resources Advisory Committee (RAC) with public money. Discovery work regarding management of Plumas County RAC by the Plumas National Forest.

Carmel River – Water Development Projects – Filed formal water rights protest with the SWRCB on extension of time by Monterey Peninsula Water Management District to construct major dam and reservoir on the Carmel River. Also took actions with Cal-Am's water development project on the Carmel River – Central Issue; Endangered Steelhead Trout – Working with Carmel River Steelhead Association. Note: Petition Change by MPWMD.

PG&E Rest Areas – Highway 70 - Shady Rest Area and Belden Rest Area – Improvements of rest rooms and rest areas for accessibility of the disabled people and anglers, and also for the public – North Fork Feather River – Butte and Plumas Counties. – Working with Anglers Committee.

Upper American River Watershed – Relicensing of SMUD hydro projects – Numerous reservoir and streams – Request to US Forest Service (Eldorado National Forest) for improvements to public campgrounds; public rest areas; boat launching facilities; restrooms, fishing trails, trout stocking et al for accessibility for the disabled – Also request for fishery protection measures – Formal Water Rights Protest with the SWRCB on water right application filings by SMUD – Request for water quality protection – Working with Anglers Committee

South Fork Feather River Watershed – Relicensing of South Fork Water and Power Agency's South Fork Feather River Water and Power Project – Request to the Plumas National Forest for fishery protection measures – Working with the Anglers Committee.

Organizer and President of The Anglers Committee

American Disabilities Act – Numerous Filings with the US Forest Service and Plumas County requesting compliance of the provisions of the American Disabilities Act and accessible for the handicapped at all public facilities. I.e. PG&E's Bucks Creek Project FERC 619; DeSabra-Centerville Project FERC 803; Frenchman Reservoir Project; Frenchman Campgrounds; Bucks Lake Showers; Goose Lake Toilet; Haven Lake Toilet; Smith Lake Trailhead; Gold Lake Development Campgrounds.

Complaint Against Plumas Corporation With California Department of Justice – Accessibility for Disabled – County sponsored Public Tours et al.

Accessibility for the Disabled Issues – Plumas County and Plumas National Forest – In conjunction with filing informal complaints with the California Attorney General Office and Plumas County, including the California Public Utility Commission;

Water Rights Protest Dismissal by Division of Water Rights – Civil Right Violation and Discrimination

Water Rights – Carmel River – ASR Project – Carmel River Threatened Steelhead – Administrative and Legal proceedings

Water Rights – State of California - Discovery Work – Permitting Section of the Division of Water Rights - Protection of Endangered and Threatened Anadromous Fish Species – Water Rights Permits; Water Right Licenses; Change Petitions; - Protection Measures for Public Trust Fisheries;

Long -Term Water Transfer – Lower Yuba River, and Delta Estuary – Anadromous Fisheries – Civil Rights Violations; Hearing Deficiencies; Bias Hearing Officer; Federal Law Violated; Federal Endangered Species Act and Federal Power Act and others; Hearing before the State Water Resources Control Board; Loss of 22 million salmon, steelhead and striped bass at State Pumps in Delta Estuary;

Formal Complaint; Yuba County Water Agency's Yuba River FERC Project 2246; Lower Yuba River – Endangered and Threatened Anadromous Fish Species – Failure to file amendment to federal license;

Formal 60 Day Letter for Carmel River Steelhead Association Filed with United States National Marine Fisheries Service Carmel River Threatened Steelhead Species and their Critical Habitat; Intent to Sue; Federal Endangered Species Act Violations;

Organizer and Executive Director of California Salmon and Steelhead Association

ASR Project by Monterey Peninsula Water Management District; Water Rights; For: Carmel River Steelhead Association Carmel River; Threatened Steelhead species and their habitat;

Inspections of ADA Accessibility Compliance at Hydropower Projects Licensed With the Federal Energy Regulatory Commission in California; Formal Notice to the San Francisco Office of the Federal Energy Regulatory Commission;

Accessibility for Disabled Persons at Camp Five (5) Public Recreation and Boating Facility at Lake Davis; Plumas National Forest; other public boating recommendations.

Water Rights Formal Protest Filed With the SWRCB Representing the Newly Founded California Salmon and Steelhead Association; Wild and Scenic Eel River; Merced River; Carmel River; Little Butte Creek; et al

Habitat Expansion Agreement; Sacramento River Watershed; State Water Resources Control Board; US National Marine Fisheries Service et al.

Formal Complaints with the US National Marine Fisheries Service for failing to protect endangered salmon and threatened steelhead; Coastal Streams; Sacramento River Watershed

Disability Rights; Denial of Testimony before the State Water Resources Control Board; Cease and Desist Hearing; Theft of the People's Water; Damage to Steelhead resources; Carmel River;

Formal Complaint with SWRCB; Illegal Dam and Diversion; Endangered Coho salmon and threatened steelhead trout; Pescadero Creek Watershed; Weekly Creek;

Lake Davis; Disability Improvements; benches, picnic tables, boat launching facilities; recreational facilities; Plumas National Forest;

McCloud River; Relicensing Process of PG&E McCloud-Pit Project 2106; Wild Trout; Dolly Varden Trout; Trout Environmental Conditions;

Wild and Scenic Middle Fork Feather River; Water Quality Complaint; Central Valley Regional Water Quality Control Board; Land Use Activities; Golf Courses; land Development; Cattle Grazing;

Water Rights Complaint; Parker Creek; Illegal Dam and Diversion; Working with local land owner;

Drum-Spaulling Hydro Project Relicensing; Fisheries Mitigation; New License

US Bureau of Reclamation Shasta Dam Enlargement; Shasta Reservoir; McCloud River; Pit River; Upper Sacramento River; and Tributaries; Pre-Project Salmon and Steelhead Mitigation; Rainbow and Trout Protection Measures; DeSabra-Centerville Hydropower Project Relicensing; Endangered spring-run Chinook salmon; threatened steelhead; Rainbow and Brown Trout; Mitigation;

Yuba-Bear Hydropower Project; Relicensing; Salmonids Protection Measures.

Oceano Dunes State Vehicular Recreation Area – San Luis Obispo County – Endangered Tidewater Goby; Threatened Steelhead Trout; threatened California Red Legged Frog species and their habitat; endangered La Groicia Thistle Plant species and its habitat; Arroyo Grande Creek and Arroyo Grande Creek; California State Parks; California Department of Parks and Recreation; California Department of Fish and Game; Central Coast Regional Water Quality Control Board; US Fish and Wildlife Service; US NOAA Fisheries; US Army Corps of Engineers; US Environmental Protection Agency; San Luis Obispo County. Working with Dr, Nell Langford, PhD.

North Fork Feather River; Rock Creek – Cresta Project ERC Committee; Due Process Rights Process; Fisheries and Water Temperature Issues; CEQA Issues et al.

DeSabra-Centerville Project 803; West Branch Feather River and Butte Creek; Endangered Spring-run Chinook salmon species and their habitat' Wild trout species and their Habitat; Interbasin Transfer of Water (40 plus years).

Plumas Corp Projects – Feather River CRM Group - Private Cattle Ranches and private grazing area; Trout Fisheries; Plumas County Recreation Advisory Committee Process.

Water Transfers; Numerous; State Pumps; Effects and harm to millions of striped bass; salmon; and steelhead species; State Water Resources Control Board approval process.

Pulse Boating Flow Issues; North Fork Feather River; Pit River; McCloud River; and other rivers; Effects to Trout and Macro Invertebrate Species and their Habitat.

California Fisheries and Water Unlimited; President 2009

State Pumps; Bay Delta Estuary; State Water Project; Fish Losses (Millions);

Water Transfers Research; 2009 and 2010; State Water Resources Control Board; State Water Project; Central Valley Project

Water Transfers; 2009 and 2010; State Water Resources Control Board; Formal Objections and Formal Protests;

Water Right Applications; State Water Resources Control Board; Formal Protests;

Water Right Petitions; State Water Resources Control Board; Formal Objections and Formal Protests;

FERC Licensed Project Relicensing Process; Numerous Hydro Projects; California; Formal Motions of Intervention and Comments;

Americans with Disability Act; Plumas National Forest and FERC Licensed Projects; Public Facilities; Accessibility and Accommodations for Disabled Persons;

Carmel River and Carmel River Steelhead; Research for Carmel River Steelhead Association;

Others Not Noted

Clarksburg Fire Protection District

Physical Address: 52902 Clarksburg Avenue
Mailing Address: P.O. Box 513
Clarksburg, CA 95612
Telephone: (916) 744-1700

April 1, 2010

MR. JOE GRINDSTAFF
Interim Executive Officer
Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

RECEIVED
DELTA COUNCIL
MAILROOM
2010 APR -8 PM 3:12

Re: Formal Request for Coordination Under State Laws Relating to
All of the Plans and Strategies Considered and Proposed By and
Through The Delta Stewardship Council, Including the Interim Delta
Plan and the Final Delta Plan and All Other Processes

Dear Mr. Grindstaff

The Clarksburg Fire Protection District (the "**District**") is a unit of local government under provisions of California Law. The District is located within the jurisdictional boundaries of Yolo County, California. The District lies entirely within the legal boundaries of the Sacramento-San Joaquin Delta (the "**Delta**") and sits completely within the Delta's Primary Zone.

The mission and purpose of the District is to provide reliable fire suppression and emergency medical response to the residents and structures within the boundaries of the District. In order to meet this mission and accomplish these goals the District relies upon a number of physical and economic facts within the District, including:

1. A system of assessments on real property parcels and structures, the maintenance of agricultural viability and land values, and the determination and payment of fees to meet the financial obligations of the District;
2. A system of roads and travel routes for the delivery of services both within the District and to facilitate and continue the existing of mutual aid to and from other fire districts and, through strike teams, throughout California;
3. The on-going system of purchase and maintenance of equipment comprised of rolling stock, personal protection, fire suppression, medical aid, and supportive materials and equipment; and

COORDINATION REQUEST LETTER

Clarksburg Fire Protection District

April 1, 2010

Page Two

4. The maintenance of existing levees and flood protection to reduce the risk of floods and the damage cause by inundation by water.

A number of State and federal entities are discussing formulating various devices, strategies, policies, habitat conservation plans, reports and other procedures (together, "**Plans**") which appear to have the potential to disrupt or prevent the District from accomplishing its mission and meeting its goals by alteration or several of the physical and economic facts listed above. The discussed and proposed interim and final Delta Plan ("**Delta Plans**") is one example of one of these Plans currently under consideration.

By resolution and official action, the District formally requests the Delta Stewardship Council to coordinate with the District to the fullest extent required by law with regard to the formulation and implementation of the Delta Plans and all other plans considered by the Delta Stewardship Council.

Your prompt reply to this letter and immediate coordination with the District are needed in order to prevent damage and loss to the District and to preserve the District's ability to faithfully and fully meet its mission and fulfill its purposes.

We look forward to your reply and response.

In the meantime, if you have any questions, concerns, comments or other thoughts, please do not hesitate to contact the District. In addition to the address in the letterhead above, you may also use my email (mark@markpruner.com) and telephone ((916) 204-9097).

Thank you in advance.

Very truly yours,

CLARKSBURG FIRE PROTECTION DISTRICT

By: 

Mark Pruner, Chair
Board of Directors

COORDINATION REQUEST LETTER

Clarksburg Fire Protection District

April 1, 2010

Page Three

Attest:

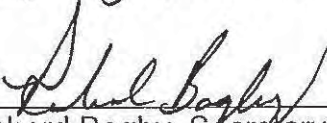

Mike Dutra, Commissioner/Vice Chair


Hal Shipley, Commissioner/Member


Bob Webber, Commissioner/Member

ABSENT
Richard Marshall, Commissioner/Member


Craig Hamblin, Fire Chief


Richard Bagby, Secretary
Board of Directors

cc: Phil Isenberg, Chair, Delta Stewardship Council
Gloria D. Gray, Member, Delta Stewardship Council
Randy Fiorini, Member, Delta Stewardship Council
Patrick Johnston, Member, Delta Stewardship Council
Hank Nordhoff, Member, Delta Stewardship Council
Don Nottoli, Member, Delta Stewardship Council
Richard Toos-Collins, Member, Delta Stewardship Council
Chris Stevens, Chief Counsel, Delta Stewardship Council

From: Michael Rozengurt [mailto:rozengurt@earthlink.net]
Sent: Saturday, April 10, 2010 1:18 AM
To: kierassciates@suddenlink.net; phil@isenberg-oharen.com; hayd0cki@aol.com;
clairfield@sierraclub-sac.org; c@davidnesmith.com; pclmail@pcl.org
Cc: mike; rhisch@usgs.gov
Subject: Letter to Governor

Arnold Schwarzenegger
Honorable Governor
of California

On June 20, 1980, Irwin Haydock (Ph.D. biology) and I (Michael Rozengurt, Ph.D., P.H.. in the fields of oceanography and hydrology) sent a letter to California's then Governor Jerry Brown and subsequently spread it among numerous others State officials as well as scientists of different entities (see, e.g., http://deltavision.ca.gov/docs/9_Comment_from_Irwin_Haydock_11-30-07.pdf)

This two pages letter was based on almost 50 years combined experience and backed by many publications of Dr. Rozengurt as a principal investigator in the former U.S.S.R., concerning the effect of man's activities on environment of River – Delta – Estuary – Coastal sea ecosystems (over 80 publications, including several monographs – some available in the Library of Congress).

Note that a part of the above references were translated in 1981 by California's Dept. Water Resources and some fundamental conclusions were republished in English in *"Water, Water Everywhere But Just so Much to Drink"* in *"Oceans"* Magazine, September 1981 (an Editor and Publisher of this journal at that time was a grandson of President Roosevelt).

Note that in the above-mentioned letter, the following warnings were given to result if, with the help of a Peripheral Canal, there were increasing water withdrawals from Delta for transport to the South, which was the subject of discussion in the press of 1980 almost every day. In short, at that time we wrote to Governor:

1. That accumulative reduction of runoff, especially in spring, of 30% or more percent of **Normal**, i.e. (the average over 55-60 years in concert with international statistic and UNESCO methodical regulation), will lead to negative, in term of quality, transformation in regime characteristics of Delta - S.F. Bay.
2. Note that this process corresponds to Universal Laws of Thermodynamics and their derivative characteristic as Entropy. A sign of gradual, prospective demise of Delta – San Francisco Bay ecosystem, provoke by intensive, i.e. more then the natural limit in water withdrawals — approximately 30%!
3. Further depletion spring and annual runoff will exacerbates degradation of physical and chemical features of habitat of lower river – Delta – San Francisco Bay ecosystem within a decade;
4. Note that accompanying cumulative losses of sediment load and gradual increases in salt intrusion and salinization of deltaic water will intensify light penetration, eutrophication, decrease dissolved oxygen, and dangerously chip away at levee foundations.
5. Note that all of these and other factors result in marked depletion of biological productivity and massive collapse of landings fish and shellfish. Therefore, leaving **no water, no habitat, no fish or other resources**.

Unfortunately, some in the environmentally naive political establishment of the past fully ignored this letter as well as the results cited in local and international publications (publications of 1920-1980, and later, my two book-length reports from CSUSF's Tiburon Center for Environmental Studies, 1987,1988).

Despite the facts that I emphasized that a "Peripheral Canal" was built in the Volga Delta in 1974 (for the same purpose as discussed in California's case), with a \$4 billion dollar price tag

(**M. Rozengurt and J Hedgpeth, 1989, Revs. Aquatic Science, 1 (2: 337-362).** Its operation in the Volga Delta has resulted in a mortal blow for both habitat and fishery resources of the Delta-North Caspian ecosystem.

Note that the late Mr. **Randall L. Brown, DWR biologist** from DWR's Kennedy administration, was sent to Russia in 1991 to meet some Delta Volga Administration to check my statements and writing about happen to be environmental disaster - Volga Divider, or Peripheral Canal.

According his later personal sharing of facts, he found that my published statement about the Volga unfortunate adventure of billion rubles price tag corresponded to reality.

In addition, Mr. Brown showed Rozengurt (me) at the end of that summer his devastating report to Director Kennedy of DWR about environmental and economical role of Volga Delta Peripheral Canal in the entirely negative transformation of Volga Delta regime characteristics, and migration, spawning, and fishery.

Nowadays, I again urge you and State Administration to facilitate a more rational water policy based on statistically validated results of scientific investigation of runoff and fishery over 40-60 years in that (my two book-length reports from CSUSF's Tiburon Center for Environmental Studies, 1987, 1988):

- 1. California possesses only **28.5 MAF** on average of unimpaired runoff over a perennial period (60 years) in the Sacramento-San Joaquin watershed. This amount determines entirely the survival of the Delta-San Francisco Bay and the State's precious coastal resources;*
- 2. the Sacramento - San Joaquin rivers' spring runoff, the lifeblood of any river system, has already been reduced to **10 to 30%** of what once was around **11 MAF** on average (spring unimpaired runoff as computed over 55 to 60 years).*
- 3. Since 1955 the excessive water withdrawals have deprived the Bay over **600 MAF** (million-acre-feet, or **720 cubic kilometers**) of freshwater runoff or **100 and 500 times** of the volumes of the Bay and Delta, respectively,*

In addition, at the same time, millions of tons of organic and inorganic matter, suspended sediment, oxygen, and other components of delta regime characteristics have been left behind the dams and in water conveyance facilities, and, therefore, have not reached Delta waterbody.

But historically, the Delta is the heart (fig.) of river - estuarine ecosystem and the most suitable home, nursery and breeding ground for many commercially important species. In process of deltaic tributaries evolution, they have passed millions acre-feet water, saturated with organic and inorganic load from river watershed, and produced, circulated and reprocessed nutrient increment (about 70%) within their freshwater body. This has maintained the unique richness of delta as a whole. Furthermore, the delta outflow acts as a buffer zone to repel saltwater intrusion, and flushes the natural and human introduced pollutants. However, when human-induced subnormal wetness prevails due to excessive water diversion, myriads of negative features are developed nearly simultaneously in delta. Among them, the salinization of delta water body. This is most insidious, the inverse of the runoff process.

Since, any statement about "Restoration" of the Delta with the help of Peripheral Canal or other constructions under manifested of seasonal and annual runoff deprivation was, is, and will be environmentally and economically dangerous fallacy! For "No One Can Get Something from Nothing, i.e. no runoff - no habitat - no living resources." Unfortunately, the past and current incessant water development has almost brought about despoliation of the Delta. In reality, as we can see, the dissection of Sacramento and San Joaquin rivers by numerous dams and other water relocation



**THE DELTA IS THE HEART OF THE ESTUARINE SYSTEM:
WILL IT SURVIVE?**

From: DOI_Updates [mailto:DOI_Updates@ios.doi.gov]

Sent: Tuesday, April 13, 2010 2:06 PM

To: Undisclosed recipients

Subject: Delta-Mendota Canal/California Aqueduct Intertie Pumping Plant, Underground Pipeline is Awarded \$20.7 million in American Recovery and Reinvestment Act Funding

Delta-Mendota Canal/California Aqueduct Intertie Pumping Plant, Underground Pipeline is Awarded \$20.7 million in American Recovery and Reinvestment Act Funding

WASHINGTON, D.C. – The Department of the Interior announced today that the Bureau of Reclamation will provide \$20.7 million for the Delta-Mendota Canal/California Aqueduct Intertie project under the 2009 American Recovery and Reinvestment Act (ARRA).

“Reclamation’s ARRA projects are meeting future water supply needs, improving infrastructure reliability and safety, safeguarding our environment while creating jobs in the West,” Secretary of the Interior Ken Salazar said. “The intertie connecting the Delta-Mendota Canal and the California Aqueduct will facilitate more efficient movement of water. This will help alleviate some of the difficulties caused by the three-year drought.”

The intertie is designed to connect the Delta-Mendota Canal and the California Aqueduct via a new pipeline and pumping plant to help improve Delta-Mendota Canal conveyance limitations, allow for maintenance and repair activities, and provide the flexibility to respond to Central Valley Project and State Water Project emergency water operations. The project is scheduled to be online to deliver water in fall of 2011. This is a CALFED project which was identified in the August 2000 CALFED Bay-Delta Program Programmatic Record of Decision.

The CALFED Bay-Delta Program is a 30-year program (2000-2030) including 25 federal and state agencies with responsibility in the Sacramento-San Joaquin Delta. The Program is based on four major resource management objectives that guide its actions to achieving a Delta that has a healthy ecosystem and can supply Californians with a reliable water supply. Those objectives are levee system integrity, water quality, water supply reliability, and ecosystem restoration. Reclamation plays a key role as the federal lead agency for implementation of water supply reliability actions in coordination with our state CALFED partner agencies.

The total ARRA investment by the Bureau of Reclamation nationwide is nearly \$1 billion, including money funding projects to repair America’s water infrastructure and help address the country’s long-term water challenges. Originally the Bureau of Reclamation identified 189 projects that were approved for ARRA funding. Some of these projects were bid at below the government estimate, thereby making ARRA funds available for additional activities.

The American Recovery and Reinvestment Act passed in 2009 gave \$3 billion to the Department of the Interior.

The ARRA funds represent an important component of the President's plan to jumpstart the economy and put a down payment on addressing long-neglected challenges so the country can thrive in the 21st century. Under the ARRA, Interior is making an investment in conserving America's timeless treasures – our stunning natural landscapes, our monuments to liberty, the icons of our culture and heritage – while helping American families and their communities prosper again. Interior is also focusing on renewable energy projects, the needs of American Indians, employing youth and promoting community service.

“With its investments of Recovery Act funds, the Department of the Interior and its bureaus are putting people to work today to make improvements that will benefit the environment and the region for many years to come,” Secretary Salazar said.

Secretary Salazar has pledged unprecedented levels of transparency and accountability in the implementation of the Department’s economic recovery projects. The public will be able to follow the progress of each project on www.recovery.gov and on www.interior.gov/recovery. Secretary Salazar has appointed a Senior Advisor for Economic Recovery, Chris Henderson, and an Interior Economic Recovery Task Force to work closely with Interior’s Inspector General and ensure the recovery program is meeting the high standards for accountability, responsibility, and transparency set by President Obama.

###

Interior, California Officials Commit to November 2010 Completion of Draft Bay Delta Conservation Plan

WASHINGTON, DC- Interior Deputy Secretary David J. Hayes and California Natural Resources Secretary Lester Snow today jointly announced the commitment of federal and state agencies to complete a draft of the Bay Delta Conservation Plan in November 2010. The Plan is an ambitious multi-year effort involving many stakeholders to develop a long term solution to California's pressing water problems.

"The dire water shortages in California and the collapse of the Bay Delta ecosystem have put us in a crisis mode with short-term stopgap measures," said Interior Deputy Secretary Hayes. "This makes it all the more important that we make faster progress on developing a long-term solution. That's why we have committed to completing the draft Bay Delta Conservation Plan by November 2010 and moving forward to achieve the twin goals of restoring the ecosystem and improving reliability of water supply for urban and agricultural water users."

"We welcome the ongoing support of our federal partners; we are in this together," said California Secretary for Natural Resources Lester Snow. "Time and again we have said that these solutions must be comprehensive and that we must contribute to the restoration of the fragile Delta while we create a more reliable water supply system for all Californians. To that end, we are all committed to the completion of Bay Delta Conservation Plan to help ensure the sustainability of California's natural resources." The goal of the Bay Delta Conservation Plan is to contribute to the restoration of the Bay-Delta ecosystem and to improve reliability of California's water supply. Developing the Plan is a collaborative effort of state, federal, and local water agencies, state and federal fish agencies, environmental organizations, and other interested parties. Agencies taking leadership roles on this initiative include the California Departments of Water Resources and Fish and Game; Interior's Bureau of Reclamation and U.S. Fish and Wildlife Service; NOAA's National Marine Fisheries Service; and the U.S. Army Corps of Engineers. In advance of completing the draft plan, high level federal and state officials will continue hosting public meetings to further its development and assure public access to working draft documents.

Completion of the Draft Bay Delta Conservation Plan this year will mark a significant milestone, but will not signal the end of analysis. In 2011, a draft Environmental Impact Statement/ Environmental Impact Report on the Plan will be complete. Both the Draft Plan and draft EIS/EIR will then be released for formal public comment. Based on comments received, the agencies will prepare the final environmental document, and then finalize and take action to approve the Plan. The Delta Stewardship Council will then consider the Plan as it develops a broader Delta Plan mandated by recent state legislation.

The Bay Delta Conservation Plan will function as a Habitat Conservation Plan under federal law and as a Natural Communities Conservation Plan under state law. It is being developed based on significant scientific analysis and input, and with the participation of water users, conservation organizations, and federal, state and local agencies.